



# Bankruptcy and Debt Advice (Scotland) Act 2014

2014 asp 11

## *Administration of estate*

### **13 Debtor's bank account**

In section 32 of the 1985 Act (vesting of estate, and dealings of debtor, after sequestration)—

(a) after subsection (5), insert—

“(5A) Where the trustee knows, or becomes aware, of any estate vested in the trustee under section 31 or this section which comprises funds held by a bank, the trustee must serve a notice on the bank—

- (a) informing the bank of the sequestration, and
- (b) specifying reasonable detail in order to allow the bank to identify the debtor and the funds held.

(5B) A notice under subsection (5A)—

- (a) must be in writing and may be sent—
  - (i) by first class post or by using a registered or recorded delivery postal service to the bank,
  - (ii) in some other manner (including by electronic means) which the trustee reasonably considers likely to cause it to be delivered to the bank on the same or next day,
- (b) is deemed to have been received the day after it is sent.”

(b) in subsection (6), after sub-paragraph (i) insert—

“(ia) the trustee is not entitled by virtue of this subsection to any remedy against a bank in respect of a banking transaction entered into before the receipt by the bank of a notice under subsection (5A) (whether or not the bank is aware of the sequestration),”

(c) in subsection (8), after “(9)” insert “and (9C)”,

(d) after subsection (9B), insert—

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*Status: This is the original version (as it was originally enacted).*

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- “(9C) Subsection (8) does not apply where the dealing is a banking transaction entered into before the receipt by the bank of a notice under subsection (5A) (whether or not the bank is aware of the sequestration).”, and
- (e) after subsection (10), insert—
- “(11) In this section “bank” has the same meaning as “appropriate bank or institution” in section 73(1).”.