



Bankruptcy and Debt Advice (Scotland) Act 2014

2014 asp 11

Administration of estate

14 Submission of claims to trustee

In section 48 of the 1985 Act (submission of claims)—

- (a) in subsection (1)—
 - (i) for “subsection (2)” substitute “subsections (1A) and (2)”, and
 - (ii) for sub-paragraph (ii) substitute—
“(ii) in accordance with subsection (1A).”, and
- (b) after subsection (1), insert—

“(1A) A creditor must, in order to obtain an adjudication as to the creditor’s entitlement (so far as funds are available) to a dividend out of the debtor’s estate, submit a claim to the trustee not later than the relevant day.

(1B) The “relevant day”, in relation to a creditor, means—

- (a) where a notice is given to the creditor under section 21A(2), the day which is 120 days after the day on which the notice is given, or
- (b) where no notice is given to the creditor under that section, the day which is 120 days after the day on which the trustee gives notice to that creditor inviting the submission of claims.

(1C) If a creditor submits a claim to the trustee after the relevant day, the trustee may, in respect of any accounting period, provide an adjudication as to the creditor’s entitlement (so far as funds are available) to a dividend out of the debtor’s estate if—

- (a) the claim is submitted not later than 8 weeks before the end of the accounting period, and
- (b) there were exceptional circumstances which prevented the claim from being submitted before the relevant day.”.