



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 1

APPLICATION OR PETITION FOR SEQUESTRATION

Jurisdiction

15 Jurisdiction

- (1) Where a petition is presented for the sequestration of the estate of a debtor (whether living or deceased), the sheriff has jurisdiction if, at the relevant time, the debtor—
 - (a) had an established place of business in the sheriffdom, or
 - (b) was habitually resident in the sheriffdom.
- (2) AiB may determine a debtor application for the sequestration of the estate of a living or deceased debtor if, at the relevant time, the debtor—
 - (a) had an established place of business in Scotland, or
 - (b) was habitually resident in Scotland.
- (3) Where a petition is presented for the sequestration of the estate of an entity which may be sequestrated by virtue of section 6, the sheriff has jurisdiction if the entity—
 - (a) had at the relevant time an established place of business in the sheriffdom, or
 - (b) was constituted or formed under Scots law and at any time carried on business in the sheriffdom.
- (4) AiB may determine a debtor application for the sequestration of the estate of such an entity if the entity—
 - (a) had at the relevant time an established place of business in Scotland, or
 - (b) was constituted or formed under Scots law and at any time carried on business in Scotland.
- (5) Even where a person (whether living or deceased) does not fall within subsection (1), the sheriff has jurisdiction in respect of the sequestration of that person's estate if—
 - (a) a petition has been presented for the sequestration of the estate of a partnership of which the person is, or was at the relevant time before dying, a partner, and
 - (b) the process of that sequestration is still current.

Status: Point in time view as at 01/12/2017.

Changes to legislation: Bankruptcy (Scotland) Act 2016, Cross Heading: Jurisdiction is up to date with all changes known to be in force on or before 01 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) Subsection (7) applies as regards any proceedings under this Act which—
- (a) may be brought before a sheriff, and
 - (b) relate either to a debtor application or to the sequestration of a debtor's estate following any such application.
- (7) The proceedings are to be brought before the sheriff who, under subsection (1) or (3), would have jurisdiction in respect of a petition for sequestration of the debtor's estate.
- (8) References in this section to “the relevant time” are to any time in the year immediately preceding (as the case may be)—
- (a) the date of presentation of the petition,
 - (b) the date the debtor application is made, or
 - (c) the debtor's date of death.
- (9) This section is subject to Article 3 of the [F¹EU] insolvency proceedings regulation.

Textual Amendments

- F1** Word in [s. 15\(9\)](#) substituted (26.6.2017) by [The Insolvency \(Regulation \(EU\) 2015/848\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/210\)](#), regs. 1, [4\(9\)](#) (with reg. 9)

Modifications etc. (not altering text)

- C1** S. 15 modified (30.11.2016) by [The Bankruptcy \(Scotland\) Regulations 2016 \(S.S.I. 2016/397\)](#), regs. 1, [31\(3\)](#)

Commencement Information

- I1** S. 15 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

Status:

Point in time view as at 01/12/2017.

Changes to legislation:

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