



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 13

#### BANKRUPTCY RESTRICTIONS ORDERS AND INTERIM BANKRUPTCY RESTRICTIONS ORDERS

##### *Effect of recall of sequestration*

#### **161 Bankruptcy restrictions orders and interim bankruptcy restrictions orders: effect of recall of sequestration**

- (1) Where an award of sequestration of a debtor's estate is recalled under section 30(1)—
  - (a) the sheriff may revoke any bankruptcy restrictions order or interim bankruptcy restrictions order in force in respect of the debtor, and
  - (b) no new bankruptcy restrictions order or interim bankruptcy restrictions order may be made in respect of the debtor.
- (2) Where the sheriff refuses to revoke, under subsection (1)(a), a bankruptcy restrictions order or interim bankruptcy restrictions order the debtor may, within 28 days after the date on which the award of sequestration is recalled, appeal to the Sheriff Appeal Court against the refusal.
- (3) The decision of the Sheriff Appeal Court on an appeal under subsection (2) is final.
- (4) Where an award of sequestration of a debtor's estate is recalled under section 34(1) or 35(6)—
  - (a) AiB may revoke any bankruptcy restrictions order or interim bankruptcy restrictions order in force in respect of the debtor, and
  - (b) no new bankruptcy restrictions order or interim bankruptcy restrictions order may be made in respect of the debtor.
- (5) Where AiB refuses to revoke under subsection (4) a bankruptcy restrictions order or interim bankruptcy restrictions order, the debtor may apply to AiB for a review of the refusal.
- (6) Any application under subsection (5) must be made within 14 days beginning with the day on which the award of sequestration is recalled.
- (7) If an application under subsection (5) is made, AiB must—

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**Changes to legislation:** *Bankruptcy (Scotland) Act 2016, Cross Heading: Effect of recall of sequestration is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes*

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- (a) take into account any representations made by an interested person within 21 days beginning with the day on which the application is made, and
  - (b) confirm the refusal or revoke the order within 28 days beginning with that day.
- (8) The debtor may appeal to the sheriff against any decision of AiB under subsection (7)  
(b) within 14 days beginning with the day of the decision.
- (9) The decision of the sheriff on an appeal under subsection (8) is final.

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**Commencement Information**

**II** [S. 161](#) in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by [2019 asp 4 s. 7\(2\)\(a\)](#)
- s. 78(2)(b) and word inserted by [2019 asp 4 s. 7\(2\)\(b\)](#)