



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 9

EXAMINATION OF DEBTOR

Private and public examination

118 Private examination

- (1) The trustee in the sequestration may request—
 - (a) the debtor to appear before the trustee and to give information relating to the debtor's assets, the debtor's dealings with them or the debtor's conduct in relation to the debtor's business or financial affairs, or
 - (b) the debtor's spouse or civil partner, or any other person who the trustee believes can give such information to give that information.
- (2) In this Act any such spouse, civil partner or other person is referred to as a “relevant person”.
- (3) The trustee may, if the trustee considers it necessary, apply to the sheriff for an order to be made under subsection (4).
- (4) On an application under subsection (3), the sheriff may make an order requiring the debtor or a relevant person to attend for private examination before the sheriff on a date and at a time specified in the order.
- (5) But subsection (4) is subject to section 120(3).
- (6) A date specified in an order under subsection (4) must be not earlier than 8 days nor later than 16 days after the date of the order.
- (7) A person who fails without reasonable excuse to comply with an order under subsection (4) commits an offence.
- (8) A person who commits an offence under subsection (7) is liable, on summary conviction—
 - (a) to a fine not exceeding level 5 on the standard scale, or
 - (b) to imprisonment for a term not exceeding 3 months,

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 118 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](#)

or both to such fine and to such imprisonment.

- (9) Where the debtor is an entity whose estate may be sequestrated by virtue of section 6(1), the references, in this section and in sections 119 to 121, to the debtor are to be construed, unless the context otherwise requires, as references to a person representing the entity.

Commencement Information

II S. 118 in force at 30.11.2016 by S.S.I. 2016/294, **reg. 2**

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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\(2\)\(b\)](#)