



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 9

EXAMINATION OF DEBTOR

Private and public examination

119 Public examination

- (1) At least 8 weeks before the end of the first accounting period the trustee in the sequestration—
 - (a) may, or
 - (b) if requested to do so by AiB or by the commissioners (if any) or by $\frac{1}{4}$ in value of the creditors, must,
apply to the sheriff for an order for the public examination before the sheriff of the debtor, or of a relevant person, relating to the debtor's assets, the debtor's dealings with those assets or the debtor's conduct in relation to the debtor's business or financial affairs.
- (2) Except that on cause shown such application may be made by the trustee at any time.
- (3) On an application under subsection (1), the sheriff must make an order requiring the debtor or the relevant person to attend for examination before the sheriff in open court on a date and at a time specified in the order.
- (4) But subsection (3) is subject to section 120(3).
- (5) A date specified in an order under subsection (3) must be not earlier than 8 days nor later than 16 days after the date of the order.
- (6) On the sheriff making an order under subsection (3), the trustee must—
 - (a) send to AiB a notice in such form, and containing such particulars, as may be prescribed,
 - (b) send a copy of the notice—
 - (i) to every creditor known to the trustee, and
 - (ii) where the order is in respect of a relevant person, to the debtor, and

Status: This is the original version (as it was originally enacted).

- (c) inform each person sent a copy under paragraph (b) that the person may participate in the examination.
- (7) AiB must enter particulars of the notice sent under subsection (6)(a) in the register of insolvencies.
- (8) A person who fails without reasonable excuse to comply with an order under subsection (3) commits an offence.
- (9) A person who commits an offence under subsection (8) 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,or both to such fine and to such imprisonment.