



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 10

CLAIMS, DIVIDENDS AND DISTRIBUTION ETC.

Submission and adjudication of claims

123 Evidence as to validity or amount of claim

- (1) The trustee in the sequestration, for the purpose of being satisfied as to the validity or amount of a claim submitted by a creditor under section 122, may require—
 - (a) the creditor to produce further evidence, or
 - (b) any other person who the trustee believes can produce relevant evidence to produce such evidence.
- (2) If the creditor (or as the case may be the other person) refuses or delays to do so, the trustee may apply to the sheriff for an order requiring the creditor (or the other person) to attend for private examination before the sheriff.
- (3) At any private examination under subsection (2)—
 - (a) a solicitor or counsel may act on behalf of the trustee, or
 - (b) the trustee may appear on the trustee's own behalf.
- (4) Sections 118(4) to (7) and 121(1) apply, subject to any necessary modifications, to the examination of the creditor (or the other person) as they apply to the examination of a relevant person.
- (5) References in subsections (1) and (4) to the creditor in a case where the creditor is an entity mentioned in section 6(1) are to be construed, unless the context otherwise requires, as references to a person representing the entity.