



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 11

DISCHARGE

Discharge of debtor

138 Discharge of debtor where Accountant in Bankruptcy trustee

- (1) This section applies where AiB is the trustee.
- (2) AiB may, by granting a certificate of discharge in the prescribed form, discharge the debtor at any time after the date which is 12 months after the date on which sequestration is awarded.
- (3) AiB must, as soon as practicable after the date which is 12 months after the date on which sequestration is awarded—
 - (a) decide whether to discharge the debtor under subsection (2),
 - (b) notify the debtor and every creditor known to AiB of that decision, and
 - (c) send a report to those persons.
- (4) The report must give an account of—
 - (a) the debtor's assets, liabilities, financial affairs and business affairs,
 - (b) the debtor's conduct in relation to those assets, liabilities and affairs,
 - (c) the sequestration, and
 - (d) the debtor's conduct in the course of the sequestration, including compliance with the statement of undertakings.
- (5) Subsection (6) applies where—
 - (a) AiB refuses to discharge the debtor under subsection (2), and
 - (b) the debtor is not otherwise discharged.
- (6) AiB must, as soon as practicable after the date which is 12 months after the date of the refusal—
 - (a) decide whether to discharge or refuse to discharge the debtor under subsection (2),

Status: This is the original version (as it was originally enacted).

- (b) notify the debtor and every creditor known to AiB of that decision, and
 - (c) send a report giving an account of the matters mentioned in subsection (4) to those persons.
- (7) Discharge under this section is not to take effect before the expiry of 14 days beginning with the day of notification of the decision to discharge.