



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 11

DISCHARGE

Discharge of debtor

139 Discharge of debtor: review and appeal

- (1) The trustee or the debtor may apply to AiB for a review of a decision to refuse to discharge the debtor under section 137(2) or 138(2).
- (2) Any creditor may apply to AiB for a review of a decision to discharge the debtor under section 137(2) or 138(2).
- (3) Any application under subsection (1) or (2) must be made within 14 days beginning with the day of the notification of the decision in question.
- (4) If an application is made under subsection (2), the discharge is suspended until the determination of the review by AiB.
- (5) If an application is made under subsection (1) or (2), AiB must—
 - (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 or revoke the decision within 28 days beginning with that day.
- (6) The debtor, the trustee or any creditor may appeal to the sheriff, against any decision of AiB under subsection (5)(b), within 14 days beginning with the day of the decision.

Commencement Information

11 S. 139 in force at 30.11.2016 by S.S.I. 2016/294, reg. 2

Changes to legislation:

Bankruptcy (Scotland) Act 2016, Section 139 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.

[View outstanding changes](#)

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