



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 1

APPLICATION OR PETITION FOR SEQUESTRATION

Applications and petitions

14 Further provisions relating to debtor applications

- (1) A debtor application may be made at any time; but this subsection is subject to subsections (2) and (3).
- (2) A debtor application made in relation to the estate of a limited partnership may be made—
 - (a) at any time unless a time is prescribed, and
 - (b) if a time is prescribed, within that time.
- (3) Any intromission by an executor with the deceased debtor's estate after the 12 months mentioned in subsection (4) is deemed an intromission without title unless, within that period, the executor—
 - (a) makes a debtor application under section 5(a), or
 - (b) petitions for the appointment of a judicial factor to administer the estate.
- (4) The 12 months referred to in subsection (3) is the 12 months following the day on which the executor knew, or ought to have known, that the estate was absolutely insolvent and likely to remain so.
- (5) The making of, or concurrence in, a debtor application bars the effect of any enactment or rule of law relating to the limitation of actions.
- (6) Where, before sequestration is awarded, it becomes apparent that a creditor concurring in a debtor application was ineligible to concur, AiB must withdraw the ineligible creditor from the application.
- (7) But another creditor may concur in place of the ineligible creditor; and if the other creditor does concur in place of the ineligible creditor, the other creditor must notify AiB of that fact.