



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 11

DISCHARGE

Discharge of debtor

143 Debtor not traced: subsequent debtor contact

- (1) This section applies where—
 - (a) a certificate is issued under section 141(4)(b) or (6)(b), and
 - (b) the trustee ascertains the whereabouts of the debtor or the debtor makes contact with the trustee.
- (2) Where AiB is the trustee, AiB may discharge the debtor at any time after the date which is 12 months after that on which—
 - (a) the whereabouts of the debtor were ascertained, or
 - (b) the debtor made contact with the trustee.
- (3) Where AiB is not the trustee, the trustee must prepare and send a report to AiB without delay after the date which is 10 months after the earlier of—
 - (a) the date on which the whereabouts of the debtor were ascertained by the trustee, and
 - (b) the date on which the debtor made contact with the trustee.
- (4) If the trustee sends a report to AiB under subsection (3)—
 - (a) the report must include the matters which, in a report sent to AiB, are included in accordance with subsection (5) of section 137, and
 - (b) subsection (6) of that section applies to a report sent under this section as it applies to a report sent in accordance with subsection (4) of that section.
- (5) After receiving a report under subsection (3), AiB may discharge the debtor by granting a certificate of discharge in the prescribed form.
- (6) Before deciding whether to discharge the debtor under subsection (5), AiB must—
 - (a) consider the report prepared under subsection (3), and

Status: This is the original version (as it was originally enacted).

- (b) take into account any representations received during the 28 days mentioned in subsection (6)(b) of section 137 (as applied in accordance with subsection (4)).
- (7) Discharge under subsection (2) or (5) is not to take effect before the expiry of 14 days beginning with the day of notification of the decision to discharge.
- (8) Discharge under subsection (2) or (5) is deemed for the purposes of section 145 to have been given under section 137(2).