



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 17

MISCELLANEOUS

212 Power of Accountant in Bankruptcy to cure defects in procedure

- (1) AiB may make an order—
 - (a) correcting a clerical or incidental error in a document required by or under this Act, or
 - (b) waiving a failure—
 - (i) to comply with a time limit specified by or under this Act, and
 - (ii) for which no provision is made by or under this Act.
- (2) An order under subsection (1) may be made—
 - (a) on the application of any person having an interest, or
 - (b) without an application if AiB proposes to correct or waive a matter mentioned in that subsection.
- (3) The applicant must notify all interested persons where an application is made under subsection (2)(a).
- (4) AiB must notify all interested persons where AiB proposes to make an order by virtue of subsection (2)(b).
- (5) A notice under subsection (3) or (4) must inform the recipient that the recipient has a right to make representations to AiB in relation to the application or the proposed order within 14 days beginning with the day on which the notice is given.
- (6) Before making an order under subsection (1), AiB must take into account any representations made by an interested person.
- (7) An order under subsection (1) may—
 - (a) so far as practicable, restore any person prejudiced by the error or failure to the position that person would have been in but for the error or failure, and
 - (b) impose such conditions, including conditions as to expenses, as AiB thinks fit.

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 212 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. (See end of Document for details) [View outstanding changes](#)

- (8) After making an order under subsection (1) which affects a matter recorded in the Register of Inhibitions, AiB must without delay send a certified copy of the order to the keeper of that register for recording in that register.

Commencement Information

II S. 212 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

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