



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 1

#### APPLICATION OR PETITION FOR SEQUESTRATION

##### *Applications and petitions*

#### **8 Debtor applications: general**

- (1) Any debtor application must be made to AiB.
- (2) A debtor application must—
  - (a) include a declaration by the money adviser who provided the advice referred to in section 4(1) that such advice has been given, and
  - (b) specify the name and address of the money adviser.
- (3) The debtor must send to AiB along with the application—
  - (a) a statement of assets and liabilities, and
  - (b) a statement of undertakings.
- (4) If the debtor—
  - (a) fails, in a statement of assets and liabilities sent to AiB in accordance with subsection (3)(a), to disclose a material fact, or
  - (b) makes in such a statement a material misstatement,then the debtor commits an offence.
- (5) A person who commits an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or both to such fine and to such imprisonment.
- (6) In any proceedings for an offence under subsection (4), it is a defence to show that the accused had a reasonable excuse for the failure in question or, as the case may be, for making the statement in question.

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**Changes to legislation:** Bankruptcy (Scotland) Act 2016, Section 8 is up to date with all changes known to be in force on or before 31 July 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](#)

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#### Commencement Information

**II** S. 8 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

**Changes to legislation:**

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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. 31(5)(a) inserted by [2024 asp 9 s. 4\(3\)\(c\)\(i\)](#)
- s. 31(5)(b) inserted by [2024 asp 9 s. 4\(3\)\(c\)\(ii\)](#)
- s. 32(4)(b)(i)(ii) and words substituted for words by [2024 asp 9 s. 5\(3\)\(a\)](#)
- s. 33(1)(aa) inserted by [2024 asp 9 s. 4\(5\)\(b\)](#)
- s. 34(A1) inserted by [2024 asp 9 s. 4\(6\)\(a\)](#)
- s. 34(1)(a)(i)(ii) and words substituted for words by [2024 asp 9 s. 5\(4\)](#)
- s. 34(1A) inserted by [2024 asp 9 s. 4\(6\)\(b\)](#)
- s. 35(2)(a)(b) inserted by [2024 asp 9 s. 4\(7\)\(b\)](#)
- s. 35(2A)(2B) inserted by [2024 asp 9 s. 4\(7\)\(c\)](#)
- s. 35(6)(a)(i)(ii) and words substituted for words by [2024 asp 9 s. 5\(5\)\(b\)](#)
- s. 35(6A)-(6C) inserted by [2024 asp 9 s. 4\(7\)\(e\)](#)
- s. 37A inserted by [2024 asp 9 s. 5\(6\)](#)
- s. 77(6A) inserted by [2024 asp 9 s. 13\(3\)](#)
- 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\(2\)\(b\)](#)
- s. 134(6) inserted by [2024 asp 9 s. 9\(3\)\(c\)](#)
- s. 147A-147C and cross-heading inserted by [2024 asp 9 s. 12\(2\)](#)
- s. 167(3)(b)(ba) substituted for s. 167(3)(b) by [2024 asp 9 s. 10\(2\)\(a\)](#)
- s. 167(4)-(6) inserted by [2024 asp 9 s. 10\(2\)\(b\)](#)
- s. 214(2)(qa) inserted by [2024 asp 9 s. 12\(3\)](#)