



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 2

SEQUESTRATION: AWARD AND RECALL

Incomplete or inappropriate debtor applications

20 Debtor application: incomplete application

- (1) This section applies where a debtor application is made and AiB considers that—
 - (a) the application is incomplete,
 - (b) further information is required in relation to the application,
 - (c) further evidence is required to substantiate any fact relevant to the application, or
 - (d) any fee or charge applicable to the application is outstanding.
- (2) AiB must specify by notice in writing to the debtor—
 - (a) any further information which must be provided,
 - (b) any further evidence which must be provided, and
 - (c) any fee or charge to be paid.
- (3) Any information, evidence, fee or charge to be provided or paid under subsection (2) must be provided or paid within 21 days (or such greater number of days as may be specified by AiB) beginning with the day on which notice is sent under that subsection.
- (4) AiB may refuse to award sequestration if, after the expiry of the days referred to in subsection (3), AiB considers that—
 - (a) the application remains incomplete,
 - (b) the debtor has provided insufficient information or evidence under subsection (2)(a) or (b), or
 - (c) any fee or charge applicable to the application remains outstanding.

Commencement Information

11 S. 20 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

Changes to legislation: Bankruptcy (Scotland) Act 2016, Cross Heading: Incomplete or inappropriate debtor applications is up to date with all changes known to be in force on or before 22 May 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

21 Refusal of debtor application: inappropriate application

- (1) This section applies where a debtor application is made and AiB considers that an award of sequestration may not be appropriate in the circumstances of the case.
- (2) AiB must specify by notice in writing to the debtor—
 - (a) the reason why AiB considers the application may not be appropriate, and
 - (b) any further information which must be provided within 21 days (or such greater number of days as may be specified by AiB) beginning with the day on which notice is sent under this subsection.
- (3) AiB may refuse to award sequestration if, after the expiry of the days referred to in subsection (2)(b), AiB remains of the view that an award of sequestration would be inappropriate in the circumstances of the case.

Commencement Information

I2 S. 21 in force at 30.11.2016 by S.S.I. 2016/294, reg. 2

Changes to legislation:

Bankruptcy (Scotland) Act 2016, Cross Heading: Incomplete or inappropriate debtor applications is up to date with all changes known to be in force on or before 22 May 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.

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