



# 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.

## **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.