

SCHEDULE

Regulation 5

FORM

CERTIFICATE FOR SEQUESTRATION

This certificate is invalid unless—

- completed by an authorised person as defined in regulation 3 of the Bankruptcy (Certificate for Sequestration)(Scotland) Regulations 2010,
- countersigned by the debtor, and
- printed on the headed notepaper of the organisation to which an authorised person referred to in regulation 3(1) belongs, where the authorised person belongs to an organisation, or in other cases on the authorised person’s headed notepaper.

This certificate is valid for thirty days including the date signed by the authorised person,

I, \_\_\_\_\_ (authorised person’s name), confirm that, under Regulation 3 of the Bankruptcy (Certificate for Sequestration)(Scotland) Regulations 2010, I am authorised to sign this certificate which has been applied for by the debtor, and certify that, on the basis of information provided to me, by

	Insert debtor’s name and title
	Insert debtor’s address
	Town
	County
	Postcode
	Insert debtor’s telephone number
	Insert debtor’s date of birth,

that he/she\* is unable to pay his/her\* debts as they become due.

I have provided the debtor with a copy of the Debt Advice and Information Package and, where appropriate, have advised the debtor of the options of a voluntary repayment plan, a debt payment programme under the Debt Arrangement Scheme or a trust deed.

I have advised the debtor that an award of sequestration, if granted, is recorded in a public register and may result in one or more of—

- (a) the debtor being refused credit, or being offered credit at a higher rate, whether before or after the date of the debtor being discharged;
- (b) the debtor not being able to remain in his/her current place of residence;
- (c) the debtor being required to relinquish property which they own;
- (d) the debtor requiring to make contributions from income for the benefit of creditors;
- (e) damage to the debtor’s business interests and employment prospects;
- (f) the debtor still being liable for some debts which are excluded.
- (g) the debtor’s past financial transactions being investigated; and
- (h) other restrictions or requirements imposed on the debtor as a result of the debtor’s own circumstances and actions.

\_\_\_\_\_ (signature of authorised person)

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Certificate for Sequestration) (Scotland) Regulations 2010 No. 397

\_\_\_\_\_ (date)

\* Delete as appropriate

**AUTHORISED PERSON'S DETAILS**

	Insert authorised person's name
	Insert authorised person's job title
	Insert authorised person's organisation
	Insert authorised person's professional address
	Town
	County
	Postcode
	Insert authorised person's email address
	Insert authorised person's telephone number

Please select qualification under which you are authorised to grant a certificate for sequestration:

- persons qualified to act as insolvency practitioners in accordance with section 390 of the 1986 Act(a)
- persons who work as money advisers for organisations which have been awarded accreditation at Type 2 level or above against the Scottish National Standards for Information and Advice Provision
- persons approved for the purposes of the Debt Arrangement Scheme
- persons who work as money advisers for a citizens advice bureau which is a full member of the Scottish Association of Citizens Advice Bureaux – Citizens Advice Scotland
- persons who work as money advisers for councils constituted under section 2 on the Local Government etc. (Scotland) Act 1994 (c.39)
- persons who work for an insolvency practitioner as defined in regulation 3(1)(a)(i), who have been given authority by that insolvency practitioner to act on behalf of that insolvency practitioner in the granting of a certificate of sequestration.

THIS CERTIFICATE IS VALID FOR THIRTY DAYS INCLUDING THE DATE SIGNED BY THE AUTHORISED PERSON,

**DECLARATION AND SIGNATURE OF DEBTOR**

I \_\_\_\_\_(debtor's name) confirm that I have provided the authorised person with correct and complete information about my financial circumstances.

I understand that this certificate is valid for thirty days including the date signed by the authorised person..

\_\_\_\_\_ (signature of debtor)

\_\_\_\_\_ (date)