

SCHEDULE 1

Regulation 3

FORMS

LIST OF FORMS TO BE USED

<i>Form</i>	<i>Purpose</i>	<i>Relevant provisions of the Act</i>	<i>Relevant provision of the Regulations</i>	<i>Form consolidated</i>
1	Debtor Application	Sections 2(1)(a), 5(a), 8(3)(a), 224(3)(c) and 228(1)	Regulation 12(1)(a)	<i>Form 14</i>
2	Certificate for sequestration	Section 9	Regulation 8(1)	<i>S.S.I. 2010/397, amended by S.S.I. 2014/296.</i>
3	Debtor Application (Trust, Partnership etc.)	Sections 6(3)(a), (4)(b) and (7)(a) and 8(3)(a) and 228(1)	Regulation 12(1)(b)	<i>Form 15</i>
4	Statement of Assets and Liabilities (Trusts, Partnerships etc.)	Sections 6(9), 8(3)(a) and 228(1)	Regulation 12(1)(b)	<i>Form 16</i>
5	Statutory Demand for Payment of Debt	Section 16(1)(i)	Regulation 3	<i>Form 2</i>
6	Oath By Creditor	Section 19(1)	Regulation 3	<i>Form 3</i>
7	Form of Schedule of Award of Sequestration on Application by Debtor or Executor	Section 22(1) and (2)	Regulation 12(3)	<i>Form 18</i>
8	Form of Refusal of Award of Sequestration	Section 22	Regulation 12(5)	<i>Form 19</i>
9	Notice of Award of Sequestration to the Keeper	Section 26(2)	Regulation 12(6)	<i>Form 20</i>
10	Statement of Assets and Liabilities Petition by creditor or trustee under a trust deed	Section 41(2) and 228(1)	Regulation 3	<i>Form 4</i>
11	Statement of Claim by Creditor	Sections 46(2)(a) and 122(9)(a)	Regulation 3	<i>Form 5</i>

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Bankruptcy (Scotland) Regulations 2016 No. 397*

<i>Form</i>	<i>Purpose</i>	<i>Relevant provisions of the Act</i>	<i>Relevant provision of the Regulations</i>	<i>Form consolidated</i>
12	Form of Undertaking to act as Trustee in Sequestration on the Application of a Debtor	Section 51(8) and (9)	Regulation 12(2)	<i>Form 17</i>
13	Statement of Undertakings	Sections 8(3)(b), 51(14), 54(4) and 228(1)	Regulation 3	<i>Form 1</i>
14	Trustee Application for Authority to Resign Office as Trustee in Sequestration	Section 69(1)	Regulation 23	<i>Form 21</i>
15	Notice of Abandonment of Heritable Property by Trustee in Sequestration where Accountant in Bankruptcy not the Trustee	Section 87(8)	Regulation 24	<i>Form 22</i>
16	Notice of Abandonment of Heritable Property where the Accountant in Bankruptcy is the Trustee	Section 87(8)	Regulation 24	<i>Form 23</i>
17	Debtor Contribution Order (Debtor Application)	Section 90(1)(a)	Regulation 19	<i>Form 24</i>
18	Debtor Contribution Order (Petition for Sequestration)	Section 90(1)(b)	Regulation 19	<i>Form 25</i>
19	Deduction from Income – Debtor’s payment instruction to employer or third person	Section 94(2) and (7)(a)	Regulation 20(2)(a)	<i>S.S.I. 2014/296, Form 1</i>
20	Deduction from Income – Trustee’s payment instruction to employer or third person	Section 94(4) and (7)(a)	Regulation 20(2)(b)	<i>S.S.I. 2014/296, Form 2</i>
21	Deduction from Income – Payment variation instruction to employer or third person	Section 94(2), (4) and (7)(a)	Regulation 20(7)	<i>S.S.I. 2014/296, Form 3</i>
22	Notice of Proceedings by Trustee to Obtain Authority in Relation to Debtor’s Family Home	Section 113(4) and (5)	Regulation 3	<i>Form 26</i>
23	Debtor’s Account of Current State of Affairs	Section 116(2)	Regulation 3	<i>Form 27</i>
24	Notice by Trustee: Public Examination of the Debtor or a Relevant Person	Section 119(6)(a)	Regulation 3	<i>Form 6</i>
25	Debtor Certificate of Discharge (where Accountant in Bankruptcy not the trustee)	Section 137(2)	Regulation 3	<i>Form 7</i>
26	Debtor Certificate of Discharge (where Accountant in Bankruptcy is the trustee)	Section 138(2)	Regulation 3	<i>Form 8</i>

<i>Form</i>	<i>Purpose</i>	<i>Relevant provisions of the Act</i>	<i>Relevant provision of the Regulations</i>	<i>Form consolidated</i>
27	Debtor Certificate of Discharge (debtor to whom section 2(2) applies)	Section 140(2)	Regulation 3	<i>Form 9</i>
28	Deferral Notice	Section 141(2)(a)	Regulation 3	<i>Form 10</i>
29	Application for Deferral	Section 141(2)(c)	Regulation 3	<i>Form 11</i>
30	Certificate of Deferral of Discharge	Section 141(4)(b) or (6)(b)	Regulation 27	<i>Form 28</i>
31	Trustee Application for Authority to Resign Office: debtor not traced	Section 142(2)	Regulation 3	<i>Form 12</i>
32	Notice granting Trustee Authority to Resign Office	Section 142(5)	Regulation 3	<i>Form 13</i>
33	Moratorium – Notice of Intention to Apply	Section 195(1)	Regulation 29	<i>Form 29</i>
34	Moratorium – Notice of Intention to Apply (Trust, Partnership, etc.)	Section 196(1)	Regulation 29	<i>Form 30</i>

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Form 1
Debtor Application
Bankruptcy (Scotland) Act 2016
Section 2(1)(a) and 5(a)

Section 1 – Who are you?

I am the debtor applying for my own bankruptcy
(Go straight to section 3)

I am the recognised executor of a deceased debtor's estate or,
I have Power of Attorney with the authority to apply for bankruptcy or,
I am the legal guardian of the debtor with authority to apply
(Please complete your own details below in section 2)

Section 2 – Executor/Legal Guardian/Power of Attorney's Details

2.1	Title (Mr/Mrs/Miss/Ms or other title)	<input type="text"/>
	Surname	<input type="text"/>
	First and middle names	<input type="text"/>
2.2	Date of Birth	<input type="text"/>
2.3	Home address (house name/number & street)	<input type="text"/>
	Town	<input type="text"/>
	County	<input type="text"/>
	Postcode	<input type="text"/>
	Contact telephone number	<input type="text"/>
	Mobile telephone number	<input type="text"/>
	E-mail address	<input type="text"/>
	Relationship to the deceased person/debtor	<input type="text"/>

Section 3 – Qualifying Criteria

Minimal Asset Process

You may be eligible to apply for bankruptcy under MAP. However there are certain criteria that you must meet before being considered eligible.

3.1 I confirm that:

- a I have debts (including interest) totalling £1,500 or more but not exceeding £17,000.
- b The total value of my non-essential assets is not more than £2000.
- c I do not own a single non-essential asset with an individual value of more than £1,000.
- d I do not jointly or solely own any land or buildings.
- e I have not been made bankrupt in Scotland in the last 5 years
- f I have not been made bankrupt under MAP in the last 10 years.
- g I am not currently subject to a Protected Trust Deed.
- h I have been assessed by the Common Financial Tool as requiring to make no debtor's contribution or I have been in receipt of a prescribed payment for a period of at least 6 months ending with the day on which this application is made.
- i I have a certificate for sequestration dated no more than 30 days before the date this application is signed and dated by me.

ONLY if you meet **ALL** the criteria above can you apply for MAP bankruptcy. If you do not meet all the criteria above please refer to the criteria overleaf for Full Administration bankruptcy.

PLEASE NOTE: If you apply for MAP bankruptcy and are then found not to be eligible, your application will NOT be considered until any further fee for a Full Administration bankruptcy application is paid at which point your case will be considered for Full Administration bankruptcy.

If you meet the above criteria for MAP bankruptcy then please go direct to section 4

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Section 3 (continued) – Qualifying Criteria

Full Administration Bankruptcy (only to be completed if not eligible for MAP)

3.2 I confirm that:

- a I have debts (including interest) of £3,000 or more.
- b I have not been made bankrupt in Scotland in the past 5 years.
- c I am not currently subject to a Protected Trust Deed.

3.3 Do you have a certificate for sequestration signed by an authorised person?

YES NO

If "YES" is the certificate dated no more than 30 days before the date you complete, sign and date this application?

YES NO

3.4 Have you ever taken part in a debt payment programme (DPP) under the Debt Arrangement Scheme (DAS)?

YES NO

If "YES" has the DPP been revoked?

YES NO

Has any creditor taken further action against you regarding any debts in your DPP?

YES NO

Section 3 (continued) – Qualifying Criteria

3.5 Have you ever signed a trust deed? YES NO

If "YES" did your trust deed fail to become protected? YES NO

If you have ticked "YES" the letter from your trustee must be enclosed with your application.

3.6 Have you been served with a Charge for Payment YES NO

If "YES" is the debt still unpaid? YES NO

If "YES" is the date on which the Charge for Payment was served on you at least 15/29* (delete as appropriate) days prior to you completing, signing and dating this application? YES NO

If you have ticked "YES" the Charge for Payment must be enclosed with your application.

3.7 Have you been served with a Statutory Demand? YES NO

If "YES" is the debt still unpaid? YES NO

If "YES" is the date on which the Statutory Demand was served on you at least 22 days prior to you completing, signing and dating this application? YES NO

If you have ticked "YES" the Statutory Demand must be enclosed with your application.

IMPORTANT

If you do not include the relevant document with your application we may not be able to process your application. It may be rejected and the fee paid will not be refunded.

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Section 4 - Current and previous bankruptcy status

- 4.1 Are you **CURRENTLY** bankrupt (or the equivalent) in any country outside Scotland? YES NO

If you have answered "YES" please confirm the name of the country and date you were made bankrupt.

Country _____

Date _____

- 4.2 Have you **PREVIOUSLY** been made bankrupt (or the equivalent) in any country outside Scotland? YES NO

If you have answered "YES" please confirm the name of the country and date you were made bankrupt.

Country _____

Date _____

Name (if different from current) _____

- 4.3 Have you lived outside Scotland at any time during the last 5 years? YES NO

If you have answered "YES" please confirm the name of the country and date(s) you lived there.

Country _____

Date(s) _____

Section 5 – Debtor's details

5.1 Title (Mr/Mrs/Miss/Ms or other title)

Surname

First and middle names

Any other names you are known as

Surname/maiden name before marriage (if applicable)

5.2 Date of Birth

5.3 Home address (house name/number & street)

Town

County

Postcode

Type of property

How long have you lived at this address? years months

Contact telephone number

Mobile telephone number

E-mail address

5.4 Application made under:

1. Apparent Insolvency

2. MAP

3. Certificate for Sequestration

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Section 6 – Employment details

- 6.1 Are you or have you ever been the owner or director of a company/business? YES NO
- 6.2 Are you or have you ever been self-employed? YES NO

If you have answered “YES” to either of the questions above then please complete the details below.

Name of company/business	<input type="text"/>
Company number as registered at companies house (if applicable)	<input type="text"/>
Trading address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Role in the company/business (if applicable)	<input type="text"/>
Dates trading (from and to)	<input type="text"/>
Pay Period	<input type="text"/>
Gross Pay	<input type="text"/>

Do you hold a Premises Licence under the Licensing (Scotland) Act 2005 YES NO

Please provide any further relevant trading information in the box below.

Section 6 (continued) – Employment details

6.3 Are you currently self-employed? YES NO

If "YES" please complete the details below

Trading name	<input type="text"/>
Trading address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>

Are you currently employed? YES NO

If "YES" please complete the details below.

Name of employer	<input type="text"/>
Employers address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Length of time in employment	<input type="text"/>
Position held	<input type="text"/>
Pay period (weekly/monthly/other)	<input type="text"/>
Gross pay	<input type="text"/>

6.4 Do you have an earnings/wages arrestment being deducted from your monthly salary? YES NO

If "YES" please complete the information below

Name of creditor imposing earnings arrestment _____

Amount deducted _____

Evidence must be provided with this application to support the information provided in section 6. This should include the debtor's wage slips for the past 3 months/12 weeks and in the case of self-employment, bank statements or accounts for the past 3 months. Failure to supply this information may delay the application process and could result in an incomplete application. We may refuse to award your bankruptcy and your fee may be retained.

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Section 6 (continued) – Employment details

6.5 Name of employer	<input type="text"/>
Employers address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Length of time in employment	<input type="text"/>
Position held	<input type="text"/>
Pay period (weekly/monthly/other)	<input type="text"/>
Gross pay	<input type="text"/>

6.6 Do you have an earnings/wages arrestment being deducted from your monthly salary? YES NO

If "YES" please complete the information below

Name of creditor imposing earnings arrestment _____

Amount deducted _____

Evidence must be provided with this application to support the information provided in section 6. This should include the debtor's wage slips for the past 3 months/12 weeks and in the case of self-employment, bank statements or accounts for the past 3 months. Failure to supply this information may delay the application process and could result in an incomplete application. We may refuse to award your bankruptcy and your fee may be retained.

Section 6 (continued) – Employment details

6.7 Name of employer	<input type="text"/>
Employers address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Length of time in employment	<input type="text"/>
Position held	<input type="text"/>
Pay period (weekly/monthly/other)	<input type="text"/>
Gross pay	<input type="text"/>

6.8 Do you have an earnings/wages arrestment being deducted from your monthly salary? YES NO

If "YES" please complete the information below

Name of creditor imposing earnings arrestment _____

Amount deducted _____

Evidence must be provided with this application to support the information provided in section 6. This should include the debtor's wage slips for the past 3 months/12 weeks and in the case of self-employment, 3 months bank statements or accounts. Failure to supply this information may delay the application process and could result in an incomplete application. We may refuse to award your bankruptcy and your fee may be retained.

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Section 7 – Income

- 7.1 Total number of people in household

--
- 7.2 Number of dependent children under 14 in the household

--
- 7.3 Number of dependent children age 14-18 in the household

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7.3 Salary and wages

Income	Amount (£)	Frequency
Debtor's salary/wages		
Partner's salary/wages		
Total		

7.4 Pensions

Pension(s)	Amount (£)	Frequency
State Pension(s)		
Private or work pension(s)		
Pension Credit		
Total		

7.5 Other income

Other income	Amount (£)	Frequency
Maintenance or Child Support		
Boarders or lodgers		
Non-dependant contribution		
Student loans or grants		
<small>(To be completed with any other household income)</small>		
<small>(To be completed with any other household income)</small>		
Total		

Section 7 (continued) – Income

7.6 Benefits

Type of benefit	Amount (£)	Frequency
Jobseeker's Allowance		
Income Support		
Working Tax Credits		
Child Tax Credits		
Child Benefit		
Employment and Support Allowance		
DLA, PIP or Attendance Allowance		
Carer's Allowance		
Housing Benefit/Local Housing Allowance		
Council Tax Reduction		
Universal Credit		
(Other)		
(Other)		
(Other)		
Total		

Please use the space provided below to give details of any benefit listed under "other"

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Section 8 – Expenditure

8.1 Please indicate if the expenses listed below are your own household expenses or joint expenses with your partner Own Joint

Essential expenditure	Amount	Frequency
Rent		
Ground rent, service charges, factor fees		
Mortgages		
Other Secured Loans		
Building and contents insurance		
Pension and life insurance		
Council Tax		
Gas		
Electricity		
TV Licence		
Magistrates or sheriff court fines		
Maintenance or Child Support		
Hire Purchase/conditional sales		
Childcare costs		
Adult care costs		
Total		

8.2

Phone	Amount	Frequency
Home phone		
Mobile phone(s)		
Total		

8.3

Travel	Amount	Frequency
Public transport (work, school, shopping, etc)		
Car Insurance		
Vehicle Tax		
Fuel (Petrol, Diesel, Oil, etc)		
MOT and car maintenance		
Breakdown and recovery		
Parking charges or tolls		
Total		

Section 8 (Continued) – Expenditure

8.4	Housekeeping	Amount	Frequency
	Food and milk		
	Cleaning and toiletries		
	Newspapers and magazines		
	Cigarettes tobacco and sweets		
	Alcohol		
	Laundry and dry cleaning		
	Clothing and footwear		
	Nappies and baby items		
	Pet food		
	Total		

8.5	Other expenditure	Amount	Frequency
	Health (dentist, glasses, prescriptions, health insurance)		
	Repairs/house maintenance (including window cleaning, maintenance contracts)		
	Hairdressing/haircuts		
	Cable, satellite and internet		
	TV, video and other appliance rental		
	School meals and meals at work		
	Pocket money and school trips		
	Lottery and pools etc.		
	Hobbies/leisure/sport (include pub outings, etc.)		
	Gifts (Christmas, birthday, charity etc.)		
	Vet bills and pet insurance		
	Total		

8.6	All other expenses not covered above	Amount	Frequency
	Total		

Total Income Surplus Income

Total Expenditure Proposed Contribution

Preferred payment date _____

Proposed frequency of subsequent payments _____

8.7 Do you wish a third person to pay your contribution or part of it (see section 90(6) of the Bankruptcy (Scotland) Act 2016)? YES NO

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Section 9 - Living arrangements

9.1 Do you rent the property you currently live in? YES NO

If you have answered "YES" above please complete the landlord and rental sections below then go straight to section 11.

If you have answered "NO" above please give details of your living arrangements, such as living with parents, in the 'Living arrangements details' text box or go straight to section 10 if you own your property.

Landlord/property owners details

Name	<input type="text"/>
Address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>

Rental/tenancy agreement details

Name(s) on tenancy/rental agreement	<input type="text" value="Tenant 1"/>
	<input type="text" value="Tenant 2"/>
Date tenancy/rental agreement was signed	<input type="text"/>

Living arrangements details

Section 10 – Your home

10.1 Do you own the property you currently live in? YES NO

If you have answered "YES" above please complete the section below
 If you have answered "NO" go straight to section 11

House/Flat

Total estimated value (if known)	Mortgage outstanding	Additional secured loan outstanding	Jointly owned (Yes/No)
£	£	£	

If the property listed above is jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

Mortgage/Secured loan information

Name and address of lender	Mortgage account number/lender Ref number	Date loan was obtained	Total amount originally borrowed
Mortgage			
Secured loan			

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Section 11 – Other property

11.1 Do you currently own property/land, or have you owned property, in the last 5 years which is not your current residence? YES NO

If "YES" please give details below
If you have answered "NO" go straight to section 11.2.

Address

Type of property or land

Valuation

Date property was sold (if applicable)

Date from and to

Have you ever lived at this address YES NO

Amount of mortgage outstanding (if applicable)

Address

Type of property or land

Valuation

Date property/land was sold (if applicable)

Date from and to

Have you ever lived at this address YES NO

Amount of mortgage outstanding (if applicable)

Continue on another sheet if necessary

Section 11 (Continued) – Other property

11.2 List details of your previous addresses or any other addresses which were not listed in section 11.1 and where you have obtained credit, within the last 5 years, starting with the most recent.

House name or number and street

Town

County

Postcode

Dates from and to:

Did you own this property YES NO

House name or number and street

Town

County

Postcode

Dates from and to:

Did you own this property YES NO

Continue on another sheet if necessary

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Section 12 - Assets

Vehicles

12.1 Do you own a vehicle? YES NO

If "YES" is the vehicle subject to hire purchase, finance or Motability agreement? YES NO

Vehicle Registration Number

Make and model

Approximate value of vehicle

Year of manufacture

Current vehicle mileage

Hire Purchase company name (If applicable)

12.2 Do you have use of any other vehicle not owned by you? YES NO

If you have answered yes then please provide details below.

Any further vehicle details

Section 12 (continued) - Assets

Policies

12.3 Do you have any life insurance/assurance policies, endowments or savings plans? YES NO

Type of policy	<input type="text"/>
Policy ref number	<input type="text"/>
Company name	<input type="text"/>
Address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Sum assured	<input type="text"/>

Surrender value YES NO Value £ _____

12.4 Additional Policy

Type of policy	<input type="text"/>
Policy ref number	<input type="text"/>
Company name	<input type="text"/>
Address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Sum assured	<input type="text"/>

Surrender value YES NO Value £ _____

Continue on another sheet if necessary

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Section 12 (continued) - Assets

Investments

12.5 Do you have any investments such as stocks, shares bonds, savings certificates or premium bonds? YES NO

Type of investment	<input type="text"/>
Company name	<input type="text"/>
Address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Reference number	<input type="text"/>
Current value	<input type="text"/>

12.6 **Type of investment**

Company name	<input type="text"/>
Address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Reference number	<input type="text"/>
Current value	<input type="text"/>

Continue on another sheet if necessary

section 12 (continued) - Assets

12.7 Are any of your possessions, other than any motor vehicle detailed previously, subject to a hire purchase or credit agreement? YES NO

If "YES" enter details of all non-essential items below:

Hire purchase or finance company details	Possession description	Date purchased	Term of agreement	Estimated value (£)

12.8 Do you have any non-essential possessions, which are not subject to a hire purchase or credit agreement? YES NO

If "YES" enter details of all non-essential items below:

Possession description	Date purchased	Estimated value (£)

12.9 Is the total value of all your non-essential possessions more than £2,000?

YES NO

12.10 Do you have any individual non-essential possessions, including money, with a value of more than £1,000?

YES NO

Please note: all cash and money held in bank accounts or elsewhere should be added together.

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Section 13 – Debts

13.1 Please provide details of all debts using the table below. You may wish to continue on a separate page if necessary.

Type of debt	Name/address of creditor	Account/ reference number	Approximate date debt was obtained	Amount owed (£)

Bankruptcy Application Form Completion Guidance

The information on this page will help you complete the page opposite.

Section 13 (continued)

Continue to list details of your debts including the name and address of your creditors as per the previous information.

Please continue on a separate sheet of paper if necessary.

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Section 13 (continued) – Debts

Type of debt	Name/address of creditor	Account/reference number	Approximate date debt was obtained	Amount owed (£)

Total debt owed £ _____

Section 14 – Bank/building society accounts

14.1 Do you have any bank or building society account held in your own name or jointly with a third party? YES NO

If you have answered yes above please provide details below.

Name/address of bank or building society	Name of account holder(s)	Sort code	Account number	Current balance (£)

Please continue on a separate sheet if required.

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Section 15 – Other accounts

15.1 Do you have any Post office, credit union or other accounts held in your own name or jointly with a third party? YES NO

If you have answered "YES" above please provide details below.

Name/address of post office/credit union etc.	Name of account holder(s)	Sort code	Account number	Current balance (£)

Please continue on a separate sheet if required.

If you have answered "NO" to both sections 14 and 15 please use the space provided below to give details of how you manage your finances, for example, how do you receive your wages and how do you pay your bills?

Section 16 – Trustee nomination

16.1 Do you wish to nominate an Insolvency Practitioner to be your trustee? YES NO

If you have answered "YES" above please give full details of your nominated Insolvency Practitioner below

Name of nominated trustee	<input type="text"/>
Address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>

If you have chosen to nominate a trustee then you must ensure that **Form 12** is completed and signed by the trustee before submitting this form.

If the Insolvency Practitioner does not sign and date Form 12, agreeing to act as the trustee in your bankruptcy, the Accountant in Bankruptcy will be deemed to be the trustee and will administer your bankruptcy.

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Money Adviser Declaration

I am a money adviser within the meaning of the Bankruptcy (Scotland) Act 2016. I confirm that I have provided the debtor named in section 5 of this form with advice in accordance with section 4 of that Act.

I confirm that I have obtained evidence of the debtor's income and expenditure and that I will retain records in relation to the advice given to the debtor in making this application (including evidence of the debtor's income and expenditure) for a period of 2 years.

Full name _____

Name of organisation _____

Address _____

Town _____

Postcode _____

Contact number _____

e-mail address _____

Signed _____ Date _____

Sensitivity obligation

In terms of the Bankruptcy (Scotland) Act 2016 and the Bankruptcy (Scotland) Regulations 2016 made under that Act certain information about all awarded bankruptcies must be included in the Register of Insolvencies (RoI) which is an on-line public record of all insolvencies awarded in Scotland. This information includes a bankrupt person's name, address and principal place of business (if any).

However, where the Accountant in Bankruptcy is of the opinion that inclusion of the information in the RoI would be likely to jeopardise the safety or welfare of any person, (e.g. where a person may be at risk of violence) information about an awarded bankruptcy need not be included in the RoI.

If you consider that inclusion of information about your bankruptcy (if awarded) in the RoI would be likely to jeopardise your safety or welfare or that of any other person you should set out details below and provide any other supporting evidence (eg from the police) with this form. The Accountant in Bankruptcy will then consider whether information about your bankruptcy (if awarded) should not be included in the RoI.

I confirm that I have a legitimate reason for certain details being withheld or treated sensitively for the purpose of the RoI

(only tick if applicable)

PLEASE GIVE DETAILS BELOW

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Preferred contact method

Please select your preferred method of contact (you may select more than 1 if you wish)

Phone

Text

E-mail

Writing

Credit/HPI checks

I understand that Accountant in Bankruptcy may carry out credit/HPI* checks prior to awarding my bankruptcy and I give my consent to do so.

Signed _____ Date _____

*credit/HPI – The Accountant in Bankruptcy may carry out these checks in some cases, before award, to verify the level of debt and also confirm if there is any finance agreement valid against your vehicle.

Statement of Undertakings

I confirm that:

1. I have received money advice from the money adviser detailed in the money advice declaration section of this form. I agree to them acting on my behalf throughout the bankruptcy application process.
2. I have made a full disclosure of all assets which I owned or in which I had an interest in on my bankruptcy award date.
3. I will notify my trustee if I inherit, win or otherwise acquire any further assets during the period of 4 years after my bankruptcy award date.
4. I will immediately inform my trustee of any change of address or change in my financial circumstances during the period of 4 years after the date of bankruptcy.
5. I understand that I have a legal obligation to co-operate with my trustee and to provide any financial information or documents which may be required.
6. I understand that until I am discharged I may not, either alone or jointly with another person, obtain credit (which includes where goods are hired to me under a hire purchase agreement or agreed to be sold to me under a conditional sale agreement) either:
 - (a) of £2000 or more; or
 - (b) of any amount, where, at the time of obtaining credit, I have debts amounting to £1000 or morewithout informing the person from whom I obtain it of my bankruptcy
7. I understand that, until I am discharged I am subject to certain restrictions on the appointments I may take up or offices I may hold, including that I may not be a member of the UK or Scottish parliament or a justice of the peace.
8. I understand that until I am discharged I may not act as a director of a limited company or be involved directly or indirectly in the promotion, formation or management of a limited company without the leave of the court.
9. I understand that after 12 months from my bankruptcy award date (or normally after 6 months for Minimal Asset Process (MAP) cases) the Accountant in Bankruptcy may discharge me and that my discharge may be dependent on my compliance with this statement of undertakings.
10. I understand that I may be required by my trustee to undergo financial education and that my discharge may be dependent on completion of this financial education.
11. I understand that any assets which vested in my trustee on my bankruptcy award date, and which have not been sold, realised or ingathered by my trustee, will continue to vest in my trustee notwithstanding my discharge.
12. I understand that any assets which were acquired by me during the period of 4 years after my bankruptcy award date and which would have vested in my trustee if they had been part of my estate on my bankruptcy award date will vest in my trustee and that any such assets which have not been sold, realised or ingathered by my trustee, will continue to vest in my trustee notwithstanding my discharge.
13. I understand that if my bankruptcy is converted from MAP to Full Administration my discharge may not be granted until a further £110 is paid.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

14. I understand that my circumstances will be assessed for the purpose of a debtor contribution order and that my discharge may be dependent on compliance with that order.

15. I understand that my on-going liabilities, e.g. utility payments, may not be included in the sequestration and I may still have a duty to pay them.

Note for completion – If you are signing as executor, or entitled to be appointed as executor, on the estate of a deceased debtor, undertakings 1, 7, 8, 10, 14 and 15 do not apply. You are giving the remaining undertakings, as appropriate, in relation to the position of the deceased debtor or the deceased debtor's estate or the position of executor on the estate of the deceased debtor.

Signed	_____	Witness	_____
		signature	
Print name	_____	Print name	_____
Date	_____	Date	_____

Statement of Truth

I, _____(insert name) agree to be made bankrupt, if I meet the bankruptcy criteria as defined in the Bankruptcy (Scotland) Act 2016, and certify that the information I have supplied in this application form is true, complete and accurate to the best of my knowledge and belief.

I understand that by becoming bankrupt, I may be required to make regular contributions from my income if I am financially able to do so and that my assets may be sold to repay my debts.

I have read and understood the warning below.

Note for completion – If you are signing as executor, or entitled to be appointed as executor, on the estate of a deceased debtor, you are agreeing and certifying in relation to the estate of the deceased debtor being made bankrupt. In relation to the warning below, the reference to bankruptcy restrictions does not apply.

Signature _____

Date _____

WARNING

It is a criminal offence under section 8(4) or 218(1) and (2) of the Bankruptcy (Scotland) Act 2016, for you to make a false statement in this form in relation to your assets or business or financial affairs, to not disclose any material fact in this statement or make a material misstatement unless you had a reasonable excuse or can show that you did not know that statement was false and had no reason to believe it was false.

On summary conviction, you may be liable to a fine of up to £5,000 or to £10,000 or to imprisonment for a maximum period of 3 or 6 months depending on the circumstances (or to both the relevant fine and term of imprisonment).

If you deliberately do not disclose all relevant information or if you deliberately make a false statement when completing this form, you may become subject to bankruptcy restrictions.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 2

Certificate for Sequestration

Bankruptcy (Scotland) Act 2016
Section 9

This certificate is invalid unless----

- Completed by a money adviser defined in section 4(2) of the Bankruptcy (Scotland) Act 2016, and
- Countersigned by the debtor.

This certificate is valid for 30 days including the date signed by the money adviser.

I,	Insert money adviser's name
	Job title
	Organisation
	Address
	Town
	Postcode
	e-mail address
	Phone number

confirm that, under sections 4(2) and 9(1) of the Bankruptcy (Scotland) Act 2016, I am a money adviser who may grant this certificate which has been applied for by the debtor, and certified that, on the basis of the information provided to me, by

	Insert debtor's name and title
	Address
	Town
	Postcode
	Telephone number
	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 Pack 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 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 the following:

- 1) the debtor being refused credit, or being offered credit at a higher rate, whether before or after the date of the debtor being discharged;
- 2) the debtor not being able to remain in his/her current place of residence;
- 3) the debtor being required to relinquish property which they own;
- 4) the debtor being required to make contributions from income for the benefit of creditors;
- 5) damage to the debtor's business interests and employment prospects;
- 6) the debtor still being liable for some debts which are excluded;
- 7) the debtor's past financial transactions being investigated; and
- 8) other restrictions or requirements imposed on the debtor as a result of the debtor's own circumstances and actions.

Please select the relevant qualification which gives you the authority to grant a certificate for sequestration.

- person qualified to act as insolvency practitioner in relation to individuals in accordance with section 390 of the Insolvency Act 1986 (c.45)
- person who works for such an insolvency practitioner, and who has been given authority by that insolvency practitioner to act on behalf of that insolvency practitioner in providing money advice.
- person who works as money adviser for organisations which have been awarded accreditation at type 2 level or above against the Scottish National Standards for Information and Advice Provision
- person approved for the purpose of the Debt Arrangement Scheme
- person who works as a money adviser for citizens advice bureau which is a full member of the Scottish Association of Citizens Advice Bureaux/Citizens Advice Scotland
- person who works as money adviser for a local authority in Scotland

Signed _____ (money adviser) _____(date)

I, _____ (debtor's name) confirm that I have provided the money adviser with correct and complete information about my financial circumstances.

Signed _____ (debtor) _____(date)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 3
Debtor Application (Trust, Partnership, etc.)
Bankruptcy (Scotland) Act 2016
Section 6(3)(a), (4)(b) and (7)(a)

Section 1 – The Entity

1.1	Name of the entity	<input type="text"/>
1.2	Type of entity	<input type="text"/>
1.3	Address of entity	<input type="text"/>
	Town	<input type="text"/>
	County	<input type="text"/>
	Postcode	<input type="text"/>
	Contact telephone number	<input type="text"/>
	Other contact number	<input type="text"/>
	E-mail address	<input type="text"/>
	Fax	<input type="text"/>

Section 2 – You

2.1	Title (Mr, Mrs, Miss, Ms etc)	<input type="text"/>
	Surname	<input type="text"/>
	First and middle names	<input type="text"/>
2.2	Home address (house name/number & street)	<input type="text"/>
	Town	<input type="text"/>
	County	<input type="text"/>
	Postcode	<input type="text"/>
	Daytime contact number	<input type="text"/>
	Evening contact number	<input type="text"/>
	e-mail address	<input type="text"/>
2.3	Your relationship to the entity	<input type="text"/>

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Section 3 – Previous Business addresses

3.1 Has the business moved addresses in the past 3 years? YES NO

If you have answered "YES" above please give further details

Previous address	<input type="text"/>
Town	<input type="text"/>
County	<input type="text"/>
Postcode	<input type="text"/>
Dates	<input type="text"/>

3.2 Has the business ever obtained credit from any other address not stated in section 1 or 3? YES NO

If you have answered "YES" above please give further details

Address (where credit was obtained)	<input type="text"/>
Town	<input type="text"/>
County	<input type="text"/>
Postcode	<input type="text"/>
Dates	<input type="text"/>

Section 3 (continued) – Previous Business addresses

- 3.3 Has the entity ever had a business address or traded anywhere outside Scotland? YES NO

If you have answered "YES" above then please give details below.

Country _____

Dates _____

- 3.4 Has the entity ever been subject to bankruptcy proceedings in any country outside Scotland? YES NO

If you have answered "YES" above then please give details below.

Country _____

Dates _____

Any additional information relevant to previous business addresses.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Section 4 – Concurring Creditor (if applicable)

4.1	Name of concurring creditor	<input type="text"/>
	Position (if they are agreeing on behalf of the firm, company etc)	<input type="text"/>
4.2	Address	<input type="text"/>
	Town	<input type="text"/>
	County	<input type="text"/>
	Postcode	<input type="text"/>
4.3	Amount owed to the creditor from the entity	<input type="text"/>

4.4 This section must be completed by the concurring creditor

- a I am the creditor identified above.
- b I am owed the sum specified in the Form 6 Oath by Creditor .
- c I have read the guidance notes for this section.
- d I concur in this application.

Signed _____

Status _____

Date _____

Section 5 – Nominating a Trustee

5.1 Do you wish to nominate an Insolvency Practitioner to be the trustee? YES NO

If "YES" please complete the details below.

5.2	Name of nominated trustee	<input type="text"/>
5.3	Address	<input type="text"/>
	Town	<input type="text"/>
	County	<input type="text"/>
	Postcode	<input type="text"/>

If you have chosen to nominate a trustee, ensure that Form 12 is completed and returned with this application.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4
Statement of Assets and Liabilities
(Trusts, Partnerships etc.)
Bankruptcy (Scotland) Act 2016
Sections 6(9) and 8(3)(a)

WARNING

You may be committing a criminal offence if you deliberately do not disclose all relevant information or if you deliberately make a false statement when completing this form.

Name of the entity	<input type="text"/>
Address	<input type="text"/>
Town	<input type="text"/>
County	<input type="text"/>
Postcode	<input type="text"/>
Contact name	<input type="text"/>
Contact address	<input type="text"/>
Town	<input type="text"/>
County	<input type="text"/>
Postcode	<input type="text"/>
Daytime contact number	<input type="text"/>
Evening contact number	<input type="text"/>

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Indicate if the entity receives an income by ticking the relevant box.

If you answer "YES", complete the table giving details of any income the entity receives, grants, lottery, money from trusts etc.

Enter the address from where this income originates, the frequency of the payments such as weekly, monthly, fortnightly etc, and the amount the entity receives.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Is the entity currently receiving any income? YES NO

If "YES" please enter details below of any income received.

Type of income	Name & address of income source	Frequency	Gross income (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Indicate if you are a licensee (licence holder) under the licensing legislation, the Licensing (Scotland) Act 2005. This includes a premises or personal licence. You should select "YES" if you are involved in the licenced trade for example, if you own a pub and there is a tenant who owns a licence.

Indicate if the entity owns a motor vehicle by ticking the relevant box. 'Motor vehicle' includes: car, van, motorbike, moped and truck.

If you select "YES" then complete the table giving details of the make and model of the vehicle(s), the current mileage, the registration number and the estimated value. Please also give details of the hire purchase or finance company if applicable.

Provide details of all motor vehicles owned by the entity.

You must enclose a copy of the hire purchase, finance or credit agreement when submitting this application.

Provide details of what the motor vehicle is used for.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Do you currently hold a premises or personal licence under the Licensing (Scotland) Act 2005 or are you involved in licenced trading? YES NO

Does the entity own a motor vehicle? YES NO

Provide details of all the motor vehicles owned by the entity.

Make and model	Current mileage	Registration No	Estimated value (£)	HP or finance company (if applicable)

You **MUST** enclose a copy of any finance agreement with this form.

Please provide details below of what the vehicle(s) are used for.

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Indicate if the entity has any other possessions, other than the motor vehicle, which are subject to hire purchase or credit agreement by ticking the relevant box.

If you select "YES" then complete the table giving details of the hire purchase or credit company, a description of the item, the date purchased, the term of the agreement and the estimated value of the item.

Indicate if the entity has any possessions which are not subject to a hire purchase or credit agreement by ticking the relevant box. Items to consider are: satellite equipment, caravans, boats, video recording equipment, tools, fixtures and fittings, electrical goods, paintings, sports equipment etc.

If you have selected "YES" then complete the table giving a description of the item, date the item was purchased and an estimated value.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Are any of the entity's possessions, other than the motor vehicle, subject to hire purchase or credit agreement? YES NO

If "YES" enter details of these possessions and the agreement below.

Hire purchase or finance company	Possession description	Date purchased	Term of agreement	Estimated value (£)

Does the entity have any possessions which are not subject to a hire purchase or credit agreement? YES NO

If "YES" enter details of the item(s) below.

Possession description	Date purchased	Estimated value (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Indicate if the entity has a bank or building society account by ticking the relevant box.

If you have selected "YES" then complete the table.

Enter the name and address of the bank or building society where the account is held.

Enter the name of the account.

Enter the account number.

Enter the sort code.

Enter the current balance of the account.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Does the entity have a bank or building society account(s)? YES NO

If "YES" please give details of the account(s) below.

Name & address of bank or building society	Account name	Account number	Sort code	Balance (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Indicate if the entity has a post office or credit union account by ticking the relevant box.

If you have selected "YES" then complete the table.

Enter the name and address of the post office or credit union where the account is held.

Enter the name of the account.

Enter the account number.

Enter the sort code.

Enter the current balance of the account.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Does the entity have a post office, credit union or other type of account? YES NO

If "YES" please give details of the account(s) below.

Name & address of post office/credit union etc	Account name	Account number	Sort code	Balance (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Indicate if the entity has any assurance policies, endowment policies or saving plans by ticking the relevant box.

If you have selected "YES" then complete the table.

Enter the type of policy or plan.

Enter the name and address of the company the policy/plan is with.

Enter the reference number for the policy/plan.

Enter the sum assured.

Enter the estimated surrender value of the policy/plan.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Does the entity have any assurance policies, endowment policies or saving plans? YES NO

If "YES" please give details of the account(s) below.

Type of policy/plan	Name & address of company	Reference number	Sum assured	Estimated surrender value (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Indicate if the entity has any investments such as stocks and shares, bonds, savings accounts or premium bonds by ticking the relevant box.

If you have selected "YES" then complete the table.

Enter the type of investment.

Enter the name and address of the relevant company.

Enter the investment reference number.

Enter the estimated value.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Does the entity have any investments, such as stocks, shares, bonds, saving certificate or Premium Bonds? YES NO

If "YES" please enter details of the policies and savings plans below.

Type of Investment	Name & address of company	Reference number	Value (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Indicate if the entity rents the property it currently does business from by ticking the relevant box.

If you have selected "YES" then complete the landlord and rental sections.

Enter the name of the landlord/property owner.

Enter the landlord's/property owner's address. Please note there are separate lines available for town and postcode.

Enter the name of the tenant(s) as they appear on the rental/tenancy agreement.

Enter the date the rental/tenancy agreement was signed.

Give any additional information you feel relevant regarding the rental of the property in the text box provided.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Does the entity rent the property where it does business from? YES NO

If you have answered "YES" above please complete the landlord and rental section below.

Landlord/Property Owner Details

Name	<input type="text"/>
Address	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>

Rental/Tenancy Agreement Details

Name(s) of tenancy/rental agreement	<input type="text" value="Tenant 1"/>
	<input type="text" value="Tenant 2"/>
Date tenancy/rental agreement was signed	<input type="text"/>

You must submit your rental or tenancy agreement or letter from the landlord with this form.

Any additional information regarding the rental of the property.

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Indicate if the entity owns the property where it currently does business from by ticking the relevant box.

If you have selected "YES" then please complete the tables.

Enter the value of the property.

Enter the current value of the mortgage outstanding.

Enter the value of any secured loan against the property outstanding.

Please indicate if the property is jointly owned by putting "Yes" or "No" in the end column.

If the property is jointly owned please provide the name and address of the other owner(s) in the box provided.

Enter the name and address of the mortgage/secured loan lender.

Enter the mortgage/account reference number.

Enter the date the mortgage/loan was obtained.

Enter the total amount originally borrowed.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Does the entity own the property where it does business from? YES NO

If you have answered "YES" above please complete the section below.

Total value	Mortgage outstanding	Secured loan outstanding	Jointly owned (Yes/No)
£	£	£	

If the property listed above is jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

Mortgage/Secured loan information

Name and address of lender	Mortgage account number/lender ref number	Date loan was obtained	Total amount originally borrowed
<u>Mortgage</u>			
<u>Secured loan</u>			

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

State if the entity, whether wholly or jointly, owns any other property within Scotland or elsewhere by ticking the relevant box.

If you have selected "YES" then please provide details of the property owned.

Enter the address of the property.

Enter the date the property was purchased.

If the property is jointly owned then please provide the name and address of the joint owner(s) in the box provided.

Enter the name and address of the mortgage/secured loan lender.

Enter the mortgage/account reference number.

Enter the date the mortgage/loan was obtained.

Enter the total amount originally borrowed.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Does the entity own, either wholly or jointly, any other property within Scotland or elsewhere? YES NO

If yes please provide details and address(es) of the properties.

Property address	Date property was bought

If the property listed above is jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

Mortgage/Secured loan information

Name and address of lender	Mortgage account number/lender ref number	Date loan was obtained	Total amount originally borrowed
<u>Mortgage</u>			
<u>Secured Loan</u>			

Continue on a separate sheet of paper if necessary

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Indicate if the entity has previously owned property or land within Scotland or elsewhere in the last 5 years by ticking the relevant box.

If you have selected "YES" then please enter details of the property or land in the table provided.

Enter the property/land address.

Enter the date the property/land was bought.

Enter the date the property/land was sold.

If the property/land listed was jointly owned then please provide the name and address of the joint owner(s) in the box provided.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Has the entity previously owned any property or land within Scotland or elsewhere in the last 5 years? YES NO

If "YES" please give details below

Address	Date property or land was bought	Date property or land was sold

If the property or land listed above was jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Enter the type of debt (eg. credit card, loan etc).

Enter the name and address of the creditor.

Enter the account/reference number relating to the debt.

Enter the approximate date the debt was obtained.

Enter the amount owed at present.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Please provide details of all debts using the table below. You may wish to continue on a separate page if necessary.

Type of debt	Name/address of creditor	Account/reference number	Approximate date debt was obtained	Amount owed (£)

The information on this page will help you complete the next page.

Please complete this form using **BLACK INK** and **CAPITAL LETTERS**.

Enter the type of debt (eg. credit card, loan etc.)

Enter the name and address of the creditor.

Enter the account/reference number relating to the debt.

Enter the approximate date the debt was obtained.

Enter the amount owed at present.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 4 - Statement of Assets and Liabilities

Type of debt	Name/address of creditor	Account/reference number	Approximate date debt was obtained	Amount owed (£)

Total Debt Level £ _____

NOW PLEASE SIGN THIS FORM

I certify that all the information supplied in this application is true, complete and accurate to the best of my knowledge and belief.

Signed _____

Print _____

Date _____

Form 5

Statutory Demand for Payment of Debt

Bankruptcy (Scotland) Act 2016
Section 16(1)(i)

Warning to person Receiving Demand	Please do not ignore this form
<p>If you do nothing in response to this demand, you could be made bankrupt and your property and goods taken away from you. Please read carefully this Demand and Notes for Debtors.</p> <p><u>Notes for Creditors</u> This form must be served personally on the debtor by a sheriff officer or messenger-at-arms. An additional copy of the Demand should also be given to the debtor at the same time.</p> <p>Insert name and address of debtor</p> <p>Insert name and address of creditor</p> <p>(a) Insert name and address of person completing the demand</p> <p>* Delete if creditor is completing demand</p> <p>(b) Insert name of creditor</p> <p>(c) Insert name of debtor</p> <p>* Delete as appropriate</p> <p>(d) Insert amount of debt(s) claimed. The total of the debt(s) must not be less than £1,500.</p>	<p>If you are in any doubt about what to do, you should seek advice immediately from a solicitor, insolvency practitioner, money adviser or a Citizens Advice Bureau.</p> <p>The Demand</p> <p>To _____</p> <p>_____</p> <p>_____</p> <p>From</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>1. (a) I, _____</p> <p>_____</p> <p>_____</p> <p>*being a person authorised to act on behalf of (b) _____ (the creditor)</p> <p>claim that as at the date of this Demand (c) you, _____ owe me/the creditor* the sum of</p> <p>(d) £ _____ (the sum demanded)</p>

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

DOCQUET OF SERVICE	
<p>Note</p> <p>This Docquet of Service should be completed by the messenger-at-arms or sheriff officer and witness at the time of serving the demand upon the debtor. The Docquet of Service in the duplicate demand, which is also to be given to the debtor, should also be completed.</p> <p>(a) Insert name and address of debtor</p> <p>(b) Insert date of service. This is the date after which the period of three weeks mentioned in paragraphs 4-6 of the above Demand starts to run.</p> <p>(c) Insert name and address of messenger at-arms or sheriff officer.</p> <p>* delete whichever is not applicable</p>	<p>To (a) _____ _____ _____</p> <p>You are served with the above Demand on (b) _____ by me,</p> <p>(c) _____ _____ _____</p> <p>in the presence of the witness who also signs below.</p> <p>Signed _____ Messenger-at-arms/Sheriff Officer*</p> <p>Date _____</p> <p>Name and address of witness in BLOCK CAPITALS _____ _____ _____</p> <p>Signed _____ Witness</p>

NOTES FOR DEBTOR - READ CAREFULLY

1. If you do nothing in response to this Demand you could be made bankrupt.

Please do not ignore this form

2. (a) If you deny that you owe the sum demanded or any part of it; or
(b) If you accept that you owe the sum demanded but deny that you have to pay it or any part of it immediately (even though you may admit that you must pay it at some time),

you must fill in the attached Denial Slip (or a copy of it) and post it, or a letter to the same effect, to the creditor by **RECORDED DELIVERY POST**. This should be done **immediately** and before the end of the 3 week period mentioned in paragraph 4 of the form. If you do not do so, you could be made bankrupt.

You should keep a copy of what you send to the creditor and the recorded delivery slip.

3. If however, you accept—
(a) that you owe the sum demanded, and
(b) that you have to pay the sum demanded immediately to the creditor,

you should either pay the sum demanded or find security for such payment. If you cannot do either you should get in touch with the creditor **immediately** and try to agree with him a way of paying off the sum demanded perhaps by paying by instalments.

Even if the creditor agrees that the sum demanded or any part of it need not be paid immediately to him, you should still send the **Denial Slip** as in Note 2 above, to protect you from the possibility of being bankrupt.

4. If you are in any doubt as to—
(a) whether you owe the sum demanded or any part of it; or
(b) whether the sum demanded or any part of it must be paid immediately; or
(c) whether any details mentioned in connection with the debt(s) in paragraph 2 and 3 of the form are correct; or
(d) about what you should do with this form or its implications,

you should seek advice **immediately** from a solicitor, insolvency practitioner, money adviser or from a Citizens Advice Bureau.

Warning to person receiving Demand

Please do not ignore this form

If you do nothing in response to this demand, you could be made bankrupt and your property and goods taken away from you. Please read **carefully** this Demand and Notes for Debtors. If you are in any doubt about what to do, you should seek advice **immediately** from a solicitor, insolvency practitioner, money adviser or a Citizens Advice Bureau.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 6

OATH BY CREDITOR

Bankruptcy (Scotland) Act 2016
Section 19(1)

This oath must be sworn by the creditor or a person authorised to act on the creditor's behalf before a person entitled to administer the oath, e.g. in the U.K. a Notary Public (usually a solicitor) or a Justice of the Peace.

In the case of an oath administered outside the U.K. see section 19(2)(b) of the Act.

(a) *Insert name and address of creditor*

(b) *If applicable, insert name and address of authorised person acting on behalf of creditor.*

**delete as appropriate*

I do solemnly and sincerely swear/affirm* that to the best of my knowledge and belief

(c) *Insert name and address of debtor*

**delete as appropriate*

owes me/the creditor* the sum of

(d) *Insert total amount of the debt or debts.*

£_____ which is now payable and that the particulars of the debt or debts making up that sum, which are set out overleaf, are correct.

**delete as appropriate*

Sworn/affirmed* at

(e) Insert name, place and date
oath is sworn.

(f) Name and address and designation
of person administering the oath or
affirmation.

**delete as appropriate*

Signed _____ creditor/on behalf of creditor*

Signature of person administering
the oath/affirmation*

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 6

OATH BY CREDITOR

PARTICULARS OF EACH DEBT

Note – Please provide details of each debt separately.

(1) Amount of debt

Insert total amount of the debt which is now payable, showing separately the amount of principal and interest claimed. Interest may be claimed only when the creditor is entitled to it.
Do not deduct the value of any security held at this stage (see note 4).

(2) Details of debt

Specify what the debt is in respect of, the date or dates when it was incurred and when it became payable.

(3) Evidence of debt

Attach any evidence of the debt, such as an extract decree (or copy of it certified by the Clerk of Court) or any voucher or other supporting evidence of the debt.

(4) Security for debt

Specify the nature and value of any security held in respect of the debt or debts.
For the purpose of the application for bankruptcy, the value of any such security need not be deducted from the amount of the debt claimed.

Security is defined for the purpose of the Bankruptcy (Scotland) Act 2016 as meaning "any security, heritable or moveable, or any right of lien, retention or preference".

(1) Amount of debt

(2) Details of debt

(3) Evidence of debt

(4) Security for debt

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 8

Form of Refusal of Award of Sequestration

Bankruptcy (Scotland) Act 2016
Section 22(1) and (2)

_____ (Insert debtor's name; where the debtor is an entity applying under section 6 of the Bankruptcy (Scotland) Act 2016, the name of that entity)

_____ (Insert debtor's address)

_____ (Insert case reference number)

has applied for an award of sequestration.

*The application has not been completed in accordance with the Bankruptcy (Scotland) Act 2016 and the relevant Regulations for the following reason:

*The debtor has not met the conditions set out in section 2(2) of the Bankruptcy (Scotland) Act 2016 for any of the following reasons:

- The debtor has not been assessed by the common financial tool as not requiring to make a debtor's contribution or has not been in receipt of a prescribed payment for a period of at least 6 months ending on the day on which the application was made
- The total amount of the debtor's debts (including interest) at the date the debtor application was made is "less than £1500/"more than £17,000
- The total value of the debtor's assets (leaving out of account any liabilities) on the date the debtor application was made exceeds £2000
- The debtor has a single asset the value of which exceeds £1000
- The debtor owns land
- The debtor has not been granted a certificate for sequestration of the debtor's estate in accordance with section 9 of the Bankruptcy (Scotland) Act 2016 within the prescribed period of 30 days before the day the debtor application was made
- An award of sequestration was made against the debtor in pursuance of an application under section 2(2) of the Bankruptcy (Scotland) Act 2016 within 10 years ending on the day before the day the debtor application was made
- An award of sequestration was made against the debtor, on an application other than under section 2(2) of the Bankruptcy (Scotland) Act 2016 or on a petition for sequestration, within 5 years ending on the day before the day on which the debtor application was made.

*The debtor has not met the conditions set out in section 2(8) of the Bankruptcy (Scotland) Act 2016 for any of the following reasons:

- The total amount of the debtor's debts (including interest) at the date the debtor application was made is less than £3000

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

- An award of sequestration against the debtor was made within 5 years ending on the day before the day on which the debtor application was made
- The debtor has not obtained the advice of a money adviser in accordance with section 4(1) of the Bankruptcy (Scotland) Act 2016
- The debtor has not given a statement of undertakings (including an undertaking to pay to the trustee after the award of sequestration of the debtor's estate an amount determined using the common financial tool)
- The debtor
 - is not apparently insolvent for the purposes of section 2(8)(e)(i) of the Bankruptcy (Scotland) Act 2016 or
 - has not been granted a certificate for sequestration of the debtor's estate in accordance with section 9 of the Bankruptcy (Scotland) Act 2016 within the prescribed period of 30 days before the debtor application was made
 - has not granted a trust deed which is not a protected trust deed by reason of the creditors objecting, or not agreeing to the trust deed.

* The debtor is currently subject to a protected trust deed

* The debtor application is made under section 6 of the Bankruptcy (Scotland) Act 2016 and the debtor has not met relevant conditions in terms of that section for any of the following reasons:

- No qualified creditor has or creditors have concurred in the application
- The debtor is not apparently insolvent as defined in section 16 of that Act

*The debtor has not paid the application fee prescribed in Regulations.

*The debtor has not sent a statement of their assets and liabilities.

Signed _____ (insert name) _____ (insert status)

Date _____ (insert date)

Refusal of Award

I refuse this application for an award of sequestration.

Signed _____
Accountant in Bankruptcy/Depute Accountant

Date _____ (insert date)

*delete as appropriate

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Form 9

Notice of Award of Sequestration to the Keeper of the Registers of Scotland

Bankruptcy (Scotland) Act 2016
Section 26(2)

AiB Reference: _____

Certificate

I certify that

	Insert debtor's full name
	Insert debtor's address
	Town
	County
	Postcode

applied to the Accountant in Bankruptcy for the sequestration of their estate and that sequestration was awarded on _____ (insert date) and

* _____ (insert trustee's name and designation) was appointed as the trustee in the sequestration

*the Accountant in Bankruptcy is deemed to have been appointed as the trustee in the sequestration.

Signed _____ (insert name)

*Accountant in Bankruptcy/Depute Accountant/Authorised Delegate of the Accountant

Date _____ (insert date)

*delete as appropriate

Note

Except where the information set out in this form is transmitted to the Keeper of the Registers of Scotland in an approved electronic format, this certificate must be marked by an appropriate official stamp.

Form 10

**Statement of Assets and Liabilities
Petition by creditor or trustee under a trust deed**

Bankruptcy (Scotland) Act 2016
Section 41(2)

WARNING TO THE DEBTOR

It is a criminal offence under section 41(3) of the Bankruptcy (Scotland) Act 2016 for you, unless you can show that you had a reasonable excuse, to:

- (A) Fail to disclose any material fact in this statement.
- (B) Make a material misstatement in this statement.

On summary conviction you may be liable to a fine of up to £5,000 or to imprisonment for a maximum period of 3 months or to both. If you deliberately do not disclose all relevant information or if you deliberately make a false statement when completing this form, you may become subject to bankruptcy restrictions.

CERTIFICATION

	Insert name
	Address
	Town
	County
	Postcode

I have stated in this statement details of all my assets, liabilities, income and expenditure as at the date of bankruptcy* on _____

*"the date of bankruptcy" is-

- (i) the date on which the sheriff granted warrant to require you to appear before the sheriff to decide whether you should be made bankrupt; or
- (ii) where more than one such warrant was granted, the date on which the first such warrant was granted.

I certify that the information I have supplied in Form 10 is true, complete and accurate to the best of my knowledge and belief.

I have read and understood the warning above.

Signature: _____ Date: _____

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Income

Q1-3. In column 1 enter all earned income, all social security benefits, and all other income. For example, Income Support Income-based Jobseekers' Allowance, Housing Benefit, Working Tax Credits and Council Tax Benefit. If the income you receive is not detailed, please provide details on a separate page.

In column 2, enter the frequency that your income is received, for example, weekly/fortnightly/monthly/annually.

In column 3 enter the amount you receive.

In column 4 enter the name and address of your employer, benefits office or other source of income as applicable. Continue on a separate page if required.

1. Average net earnings	Frequency	Amount (£)	Name and address of employer
2. Social Security benefits	Frequency	Amount (£)	Address of benefits office
3. Any other income	Frequency	Amount (£)	Address of other source of income
Pension	_____	_____	
Annuity	_____	_____	
Grants, Rents, Trusts etc	_____	_____	

Bank Accounts

Q4. Give details of any sums held by you in Bank or Building Society accounts, including the account number and the branch where the account is held.

Name of bank or building society	Branch	Account number	Sort code	Balance

Investments

Q5. Complete this section if you have any investments. These may be ISAs, shares, premium or other bonds, savings certificates. Details of any endowment policies or life assurance policies should also be entered.

Type of investment	Name of company	Reference number

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Non-essential possessions

Q6. List any non-essential possessions owned by you or in the course of hire purchase or a credit agreement. **Enter only non-essential items.**

Examples of essential items are the following items if used in the debtor's family home–

- Beds, bedding, household linen and curtains
- Food, cooking equipment and kitchen utensils
- Refrigerators, washing machines and microwave ovens
- Chairs, settees, tables and other furniture
- Lights, fittings and heating appliances
- Floor coverings
- Articles used for cleaning, drying, mending, or pressing clothes
- Articles used for cleaning the house
- Articles used for safety in the house
- Tools used for maintenance or repair of the house and household articles
- Computers and accessory equipment
- Radios, telephones and televisions.

Do not include any of the above items in your list.

Description	Value(£)	Subject to hire purchase / credit agreement Yes / No

Property

Q7. List all the land and buildings in which you have an interest as an owner or tenant.

Part A

Column 1, write the addresses of any property you own, either wholly or jointly. If you are a joint or part owner, specify the share you own, for example, half, third, etc.

Column 2, write the property type which includes land, timeshares, or any other property, including business or agricultural property.

Column 3, write the name and address of any joint owners.

Column 4, say whether there is a mortgage or secured loan on the property. Details of the securities should be listed at question 9.

Part B

In columns 1 to 4, write the address, type of property, name(s) of the joint tenant(s) and the name and address of the property owner.

A. Address Wholly or jointly owned	Type of property	Name of joint owner(s)	Mortgage or secured loan Yes / No
B. Address if property rented	Type of property	Name of joint tenant	Owner of property

(Continue on a separate sheet if required)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Unsecured debts (specify unsecured debts due by you)

Q8. Complete a list of any unsecured debts, for example loans, credit cards, catalogue accounts, unpaid council tax, overdrafts, rent, household bills and any debts due to individuals.

You must include all the unsecured debts that you owe. If your bankruptcy is awarded, your trustee will write to each of your creditors (creditors are people you owe money to).

Note: You may be asked to provide copies of your letters and bills from your creditors.

Type of debt	Name and address of creditor	Account no / ref no	Amount owed
Total			£

(Continue on a separate sheet if required)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Secured debts

Q9. Complete if you have a mortgage and/or any debts secured against your home. Provide information regarding the amount currently owed to the secured lender and the date the mortgage or loan was obtained.

Name and address of mortgage company/ lender	Mortgage account no Lender reference no	Amount owed (£)	Date loan was obtained
Total amount of secured debts		£	

PARTICULARS OF EACH DEBT	
<p>Notes</p> <p>A separate set of particulars should be made out in respect of each debt.</p>	
<p>1. Describe briefly the debt, giving details of its nature, the date when it was incurred and when payment became due. Attach any documentary evidence of the debt, if available.</p>	<p>1. Particulars of debt (including reference number)</p>
<p>2. Insert total amount of the debt, showing separately the amount of principal and any interest which is due on the debt as at the date of sequestration. Interest may only be claimed if the creditor is entitled to it. Show separately the VAT on the debt and indicate whether the VAT is being claimed back from HM Revenue and Customs.</p>	<p>2. Amount of debt</p>
<p>3. Specify and give details of the nature of any security held in respect of the debt including—</p> <p>(a) the subjects covered and the date when it was given;</p> <p>(b) the value of the security;</p> <p>Note: The trustee may, at any time after 12 weeks from the date of sequestration, require a creditor to discharge a security or to convey or assign it to the trustee on payment of the value specified by the creditor.</p> <p>(c) whether the creditor is surrendering or undertakes to surrender the security.</p> <p>Security is defined for the purposes of the Bankruptcy (Scotland) Act 2016 as meaning "any security, heritable or moveable, or any right of lien, retention or preference".</p>	<p>3. Security for debt</p>
<p>4. In the case of a creditor who is a Member State liquidator, specify and give details of underlying claims in respect of which the Member State liquidator is claiming as creditor. Attach documentary evidence of debts.</p>	<p>4. Underlying claims</p>
<p>5. A secured creditor must in calculating the total amount of the secured creditor's claim deduct the value of any security as estimated by the secured creditor, unless the secured creditor surrenders it (see note 3(c) above).</p>	<p>5. Total amount of the debt</p>

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 12

**Form of Undertaking to act as Trustee in Sequestration
on the Application of a Debtor**

Bankruptcy (Scotland) Act 2016
Section 51(8) and (9)

This form should be completed by a qualified Insolvency Practitioner if:

- 1) a debtor applies for an award of sequestration under section 2, 5 or 6 of the Bankruptcy (Scotland) Act 2016,
- 2) the debtor nominated the Insolvency Practitioner to act as the trustee in the sequestration, and
- 3) the Insolvency Practitioner undertakes to so act.

Undertaking

I,	Insert Insolvency Practitioner's name
	Insert business address
	Town
	County
	Postcode

hold the necessary authorisation to act as an insolvency practitioner under Part 13 (insolvency practitioners and their qualification) of the Insolvency Act 1986 to enable me to act as a trustee in sequestration in respect of this debtor under the Bankruptcy (Scotland) Act 2016.

Authorising professional body (or other authority)

I undertake, if appointed by the Accountant in Bankruptcy to do so, to act as the trustee in the sequestration of

	Insert debtor's name
	Insert debtor's address
	Town
	County
	Postcode

Signed _____
(Insolvency Practitioner)

Date _____

Form 13

Statement of Undertakings

Bankruptcy (Scotland) Act 2016
Section 51(14) or 54(4)

I confirm that:

1. I have made full disclosure of all my assets, liabilities and income as at the date of bankruptcy in the Form 10 (Statement of Assets & Liabilities) or Form 4 (Statement for a Trust or Partnership etc).
2. I will notify my trustee if I inherit, win or otherwise acquire any further assets during the period of 4 years after the date of bankruptcy.
3. I will immediately inform my trustee of any change of address or change in my financial circumstances during the period of 4 years after the date of bankruptcy.
4. I understand that I have a legal obligation to co-operate with my trustee and to provide any financial information or documents which may be required.
5. I understand that until I am discharged I may not, either alone or jointly with another person, obtain credit (which includes where goods are hired to me under a hire purchase agreement or agreed to be sold to me under a conditional sale agreement) either:
 - (a) of £2000 or more; or
 - (b) of any amount, where, at the time of obtaining credit, I have debts amounting to £1000 or morewithout informing the person from whom I obtain it of my bankruptcy.
6. I understand that, until I am discharged I am subject to certain restrictions on the appointments I may take up or offices I may hold, including that I may not be a member of the UK or Scottish parliament or a justice of the peace.
7. I understand that until I am discharged I may not act as a director of a limited company or be involved directly or indirectly in the promotion, formation or management of a limited company without the leave of the court.
8. I understand that after 12 months from the date on which the sheriff awarded my bankruptcy the Accountant in Bankruptcy may discharge me and my discharge may be dependent on my compliance with this statement of undertakings.
9. I understand that I may be required by my trustee to undergo financial education and that my discharge may be dependent on completion of this financial education.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

10. I understand that any assets which vested in my trustee at the date of bankruptcy, and which have not been sold, realised or ingathered by my trustee, will continue to vest in my trustee notwithstanding my discharge.

11. I understand that any assets acquired by me during 4 years after the date of bankruptcy and which would have vested in my trustee if they had been part of my estate at that will vest in my trustee and any such assets which have not been sold, realised or ingathered by my trustee, will continue to vest in my trustee notwithstanding my discharge.

12. I understand that my circumstances will be assessed for the purpose of a debtor contribution order and that my discharge may be dependent on compliance with that order.

13. I understand that my ongoing liabilities, e.g. utility payments, may not be included in the sequestration and I may still have a duty to pay them.

I can confirm that I understand and agree to comply with the undertakings 1 – 13.

Signed _____

Witness Signature _____

Print name _____

Print name _____

Date _____

Date _____

Notes

References in this Statement of Undertakings to:-

"the date of bankruptcy" are to:-

(i) the date on which the Sheriff granted warrant to require you to appear before the Sheriff to decide whether you should be made bankrupt; or

(ii) where more than one such warrant was granted, the date on which the first such warrant was granted.

Form 14

Application to Resign from Office as Trustee in Sequestration

Bankruptcy Scotland Act 2016
Section 69(1)

Note

Section 69(1) of the Bankruptcy (Scotland) Act 2016 provides that the trustee may apply to the Accountant in Bankruptcy for authority to resign office.

Application

I,	Insert insolvency practitioner's name
	Insert business address
	Town
	County
	Postcode

was appointed as trustee in the sequestration of

	Insert debtor's name
	Insert debtor's address
	Town
	County
	Postcode

by

- * the Accountant in Bankruptcy
 - * the Sheriff at _____ (insert name of Court)
- on _____ (insert date of appointment).

I apply to the Accountant in Bankruptcy for authority to resign from office as trustee in sequestration on the grounds that

- * I am unable to act
 - * I should not continue to act
- for the following reason(s)

Signed _____ (trustee)

Date _____

* delete as appropriate

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 15

**Notice of Abandonment of Heritable Property by Trustee in Sequestration
where Accountant in Bankruptcy not the Trustee**

Bankruptcy (Scotland) Act 2016
Section 87(8)

Notice of Abandonment

I,	Insert insolvency practitioner's full name
	Insert business address
	Town
	County
	Postcode

was appointed trustee in the sequestration of

	Insert debtor's full name
	Insert debtor's address
	Town
	County
	Postcode

by

* the Accountant in Bankruptcy

* the Sheriff at _____ (insert name of Court)

on _____ (insert date of appointment).

The award of sequestration was recorded in the Register of Inhibitions on _____ (insert date).

* I am a replacement trustee having been appointed by _____
on the above date (see note 3)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

The trustee certifies—

1. That the debtor's sequestrated estate included the debtor's interest in the heritable property known as and forming (and referred to in this notice as "the property"):-

	Insert address of property
	Town
	County
	Postcode
	Description of property (see note 4)
	Land Register title number (see note 4)

to which the debtor first acquired right by virtue of title

*registered in the Land Register of Scotland

*recorded in the Division of the General Register of Sasines for the County of _____

on _____ (insert date when subjects were registered, see note 4)

and the trustee became vested in the debtor's share and interest therein.

2. That no disposition or other conveyance by the trustee or otherwise conveying the debtor's share and interest or former interest in the property has been executed by the trustee or delivered to the debtor.

3. That the trustee by execution of these presents confirms that the trustee has abandoned the property to the debtor and has renounced and hereby renounces and abandons any claim to the debtor's share and interest or former share or interest in and to the property.

*4. That the property has been abandoned in consideration of a payment of £ _____ (insert amount if appropriate) which has been made to the sequestrated estate (see note 5).

5. That no statement in this notice affects the trustee's right to funds received by the debtor prior to the debtor's discharge under section 137 of the Bankruptcy (Scotland) Act 2016.

6. That the trustee consents to registration of these presents for publication and preservation.

Signed _____ (trustee)

Date _____

* delete as appropriate

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Bankruptcy (Scotland) Regulations 2016 No. 397*

Notes

1. This form shall be used by the trustee in sequestration (where the trustee is not the Accountant in Bankruptcy) to notify a debtor that any heritable property which vests in the trustee has been abandoned to the debtor.
2. The trustee in sequestration shall send a certified copy of this form to the Keeper of the Registers of Scotland to be recorded in the register of inhibitions. The certificate should be signed by the trustee and added at the foot of the last page of the copy. The certificate should state that it is a true copy. A copy should then be sent to the debtor forthwith.
3. Where the trustee signing this form is a replacement trustee (rather than the original trustee) the trustee must narrate details of how the trustee was appointed.
4. A description sufficient to identify the extent of and title to the property is required. If the property is held on a title recorded in the General Register of Sasines, a description in conformity with schedule D or J to the Conveyancing (Scotland) Act 1924 may be used. If the property is registered in the Land Register of Scotland, the title number should be inserted.
5. Paragraph 4 should be deleted if no payment was received in consideration of the subjects.



Form 16

Notice of Abandonment of Heritable Property where the Accountant in Bankruptcy is the Trustee in Sequestration

Bankruptcy (Scotland) Act 2016
section 87(8)

Notice of Abandonment

	Insert debtor's full name
	Insert debtor's address
	Town
	County
	postcode

was sequestrated on _____ (insert date of sequestration) by

* the Accountant in Bankruptcy, and the Accountant in Bankruptcy was deemed to be appointed the trustee in the sequestration

* the Sheriff at _____ (insert name of Court), and the Accountant in Bankruptcy was appointed to be the trustee in the sequestration

The Accountant in Bankruptcy was appointed as trustee on _____ (insert date of appointment).

The award of sequestration was recorded in the Register of Inhibitions on _____ (insert date).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

The Accountant in Bankruptcy certifies—

1. That the debtor's sequestrated estate included the debtor's interest in the heritable property known as and forming (and referred to in this notice as "the property")

	Insert address of property
	Town
	County
	Postcode
	Description of property (see note 3)
	Land Register title number (see note 3)

to which the debtor first acquired right by virtue of title

*registered in the Land Register of Scotland

*recorded in the Division of the General Register of Sasines for the County of _____

on _____ (insert date when subjects were registered, see note 3)

and the trustee became vested in the debtor's share and interest therein.

2. That no disposition or other conveyance by the trustee or otherwise conveying the debtor's share and interest or former interest in the property has been executed by the trustee or delivered to the debtor.

3. That the trustee by execution of these presents confirms that the trustee has abandoned the property to the debtor and has renounced and hereby renounces and abandons any claim to the debtor's share and interest or former share or interest in and to the property.

*4. That the property has been abandoned in consideration of a payment of £ _____ (insert amount if appropriate) which has been made to the sequestrated estate (see note 4).

5. That no statement in this notice affects the trustee's right to funds received by the debtor prior to the debtor's discharge under section 138 of the Bankruptcy (Scotland) Act 2016.

6. That the trustee consents to registration of these presents for publication and preservation.

Signed _____ (insert name)

*Accountant in Bankruptcy/Depute Accountant/Authorised Delegate of the Accountant

Date _____ (insert date)

*delete as appropriate

Notes

1. This form shall be used by the Accountant in Bankruptcy, where appointed or deemed to have been appointed as trustee in sequestration under section 51(3) or (12) of the Bankruptcy (Scotland) Act 2016, to notify a debtor that any heritable property which vests in the trustee has been abandoned to the debtor.
2. The Accountant in Bankruptcy shall send a certified copy of this form to the Keeper of the Registers of Scotland to be recorded in the register of inhibitions. Except where the information set out in this form is transmitted to the Keeper of the Registers of Scotland in an approved electronic format, this certificate must be marked by an appropriate official stamp. The certificate should be signed and the status of the certifying officer must be specified. The certificate should be added to the foot of the last page of the copy. The certificate should state that it is a true copy and the date on which the notice was given to the debtor.
3. A description sufficient to identify the extent of and title to the property is required. If the property is held on a title recorded in the General Register of Sasines, a description in conformity with schedule D or J to the Conveyancing (Scotland) Act 1924 may be used. If the property is registered in the Land Register of Scotland, the title number should be inserted.
4. Paragraph 4 should be deleted if no payment was received in consideration of the subjects.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

(bankruptcy ref)



Form 17

Debtor Contribution Order (Debtor Application)

Bankruptcy (Scotland) Act 2016
Section 90(1)(a)

The Accountant in Bankruptcy having awarded the bankruptcy of,

(Insert debtor's name)

(Insert debtor's address)

(Town)

(Postcode)

("the debtor")

and having assessed the debtor's circumstances using the Common Financial Tool specified under section 89 of the Bankruptcy (Scotland) Act 2016, fixes the debtor's contribution as and requires the debtor to pay the sum of £ (amount) per (payment interval) with a start date of (dd/mm/yy) and an end date of (dd/mm/yy) representing a period of 48 months or another period as specified in this order under section 91(2) of the Bankruptcy (Scotland) Act 2016. This period and amount may be subject to variation under that section and section 95 of that Act.

*As agreed a third person will pay the trustee a specified proportion of money due to the debtor by way of income in accordance with section 90(6) of the Bankruptcy (Scotland) Act 2016. The details are as follows:

*(full details of arrangement)

Issued by the Accountant in Bankruptcy
(dd/mm/yyyy)

*delete as appropriate

(bankruptcy ref)



Form 18

**Debtor Contribution Order
(Petition for Sequestration)**

Bankruptcy (Scotland) Act 2016
Section 90(1)(b)

The Accountant in Bankruptcy having considered the proposal by,

(Insert name of trustee)

in the bankruptcy of,

(Insert debtor's name)

(Insert debtor's address)

(Town)

(Postcode)

and having confirmed that the debtor's circumstances have been assessed using the Common Financial Tool as prescribed under section 89(1) of the Bankruptcy (Scotland) Act 2016, fixes the debtor's contribution as and requires the debtor to pay the sum of £ (amount) per (payment interval) with a start date of (dd/mm/yy) and an end date of (dd/mm/yy) representing a period of 48 months or another period as specified in section 91(2) of the Bankruptcy (Scotland) Act 2016. This period and amount may be subject to variation under that section and section 95 of that Act.

*As agreed a third person will pay the trustee a specified proportion of money due to the debtor by way of income in accordance with section 90(6) of the Bankruptcy (Scotland) Act 2016. The details are as follows:

*(full details of arrangement)

Issued by the Accountant in Bankruptcy
(dd/mm/yyyy)

*delete as appropriate

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 19
Debtor's payment instruction to employer or third person
Bankruptcy (Scotland) Act 2016
Section 94(2)

Employee/Debtor's instruction to employer or third person

I,	Insert employee/debtor's name
	Address
	Town
	Postcode
	Bankruptcy reference number
	Employee or third person reference number (if applicable)

authorise my employer, or third person due to make payments to me,

	Insert employer/third person's name
	Address
	Town
	Postcode

to deduct the sum of £(amount) from my income on each pay day or the day upon which payment is next due to be made to me and pay this amount, as soon as reasonably practicable, to the trustee in my bankruptcy detailed below:

	Insert trustee's name
	Address
	Town
	Postcode

using the following bank details and quoting the relevant trustee reference number,

	Insert name of bank
	Address
	Town
	Postcode
	Sort code
	Account number
	Trustee's reference number

Note to employer or third person: It is your duty under section 94(5) of the Bankruptcy (Scotland) Act 2016 to comply with this instruction.

Employee/Debtor's signature _____ Date _____

Form 20
Trustee's payment instruction to employer or third person
Bankruptcy (Scotland) Act 2016
Section 94(4)

Trustee's instruction to employer or third person

I,	Insert trustee's name
	Address
	Town
	Postcode

confirm that,

	Insert employee/debtor's name
	Address
	Town
	Postcode
	Bankruptcy reference number
	Employee or third person reference number (if applicable)

has failed to pay his/her required contribution to his/her bankruptcy in accordance with section 94(4) of the Bankruptcy (Scotland) Act 2016. Therefore I now instruct,

	Insert employer/third person name
	Address
	Town
	Postcode

in accordance with Section 94(4) of the Bankruptcy (Scotland) Act 2016, to deduct the sum of £(amount) from the income of the above noted employee on each pay day or the debtor on the day on which next payment is due to be made to them. Deductions should be **paid in the following account and quote the relevant trustee reference number:**

	Insert name of bank
	Address
	Town
	Postcode
	Sort code
	Account number
	Trustee's reference number

Note to employer or third person: It is your duty under section 94(5) of the Bankruptcy (Scotland) Act 2016 to comply with this instruction.

Trustee's signature _____ Date _____

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 21
Payment variation instruction to employer or third person
Bankruptcy (Scotland) Act 2016
Section 94 – variation

Instruction to employer or third person

Debtor who has been sequestrated-

	Insert employee/debtor's name
	Address
	Town
	Postcode
	Bankruptcy Reference number
	Employee or third person reference number (if applicable)

*[I authorise my employer or third person due to make payments to me]-

*[The debtor above has failed to pay his/her required contribution to his/her bankruptcy in accordance with section 94(4) of the Bankruptcy (Scotland) Act 2016 – therefore I now instruct] -

	Insert employer/third person's name
	Address
	Town
	Postcode

to vary the sum of £(amount) currently being deducted from *[my/the debtors] income to £(amount) with effect from the next pay day or the day upon which payment is next due to be made, and for the new amount to be paid, as soon as reasonable practicable after each pay day thereafter, to *[my trustee/me as trustee],

	Insert trustee's name
	Address
	Town
	Postcode

using the following bank details and quoting the relevant trustee reference number,

	Insert name of bank
	Address
	Town
	Postcode
	Sort code
	Account number
	Trustee's reference number

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Note to employer or third person: It remains your duty under section 94(5) of the Bankruptcy (Scotland) Act 2016 to comply with this instruction.

* [Employee/Debtor's OR Trustee's] signature _____

Date _____

* Delete as appropriate

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 22

Notice by Trustee of Proceedings to Obtain Authority in Relation to Debtor's Family Home

Bankruptcy (Scotland) Act 2016
Section 113(4) and (5)

Note to Trustee

This form of notice must be used to give notice to a local authority of an application made under section 113(2) and (3) of the Bankruptcy (Scotland) Act 2016. This notice must be sent before commencing proceedings in accordance with section 113(4) of the 2016 Act.

Notice by

Trustee in Sequestration, or

Trustee under a Trust Deed

of Application to Court to obtain the authority of the sheriff to sell or dispose of rights and interests in debtor's family home

To: _____

(Name of local authority in whose area the property referred to in the application or proceedings is situated)

Take note that an application to court will be made as detailed below to obtain the authority of the sheriff to sell or dispose of rights and interests in a debtor's family home.

(Please give the following information)

Name and address of the trustee:

_____	Insert trustee's name
_____	Insert trustee's address

_____	Town
_____	County
_____	Postcode

_____ Case Reference Number

Name and address of the trustee's legal representatives:

_____	Insert trustee's legal representatives' name
_____	Insert trustee's legal representatives' address

_____	Town
_____	County
_____	Postcode

Contact telephone number of the trustee:

Name of debtor:

Name of occupier (if not the debtor):

Full postal address of property that is subject to proceedings:

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

Insert property address

Town

County

Postcode

Recording/registration date of standard security over the property (if applicable)

Court in which application is to be made:

Signature of Trustee

Date

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 23

Debtor's Account of Current State of Affairs

Bankruptcy (Scotland) Act 2016
Section 116(2)

Bankruptcy of :

Case reference number:

WARNING TO THE DEBTOR

It is a criminal offence under section 87(1) of the Bankruptcy (Scotland) Act 2016 for you to fail to notify your trustee of any assets acquired by you for a period of 4 years after the date of bankruptcy.*

On summary conviction you may be liable to a fine not exceeding £5000, or imprisonment for a maximum period of 3 months, or both.

CERTIFICATION

<input type="text"/>	Insert name
<input type="text"/>	Address
<input type="text"/>	Town
<input type="text"/>	County
<input type="text"/>	Postcode
<input type="text"/>	Telephone number

I confirm that the information I have provided in this form is complete and correct. I have read the above warning and I understand that if I fail to divulge assets acquired by me or if I have provided information which is known to be false that I may be subject to prosecution. I certify that the details provided in this form are true, complete and accurate to the best of my knowledge.

"the date of bankruptcy" is-

- (a) where your bankruptcy was awarded following presentation of a petition for sequestration -
 - (i) the date on which the sheriff granted warrant to require you to appear before the sheriff to decide whether you should be made bankrupt; or
 - (ii) where more than one such warrant was granted, the date on which the first such warrant was granted.

(b) where your bankruptcy was awarded following a debtor application, the date bankruptcy was awarded.

Signature of debtor: _____ Date: _____

Completion Guidance

You should complete this application pack using **BLACK INK** and **CAPITAL LETTERS** throughout.

The information on this page will help you complete the next page.

All sections of the questionnaire must be completed. If you feel that certain questions do not relate to your circumstances then you should write "not applicable".

If there is insufficient space provided for your answer, or if you have information which is not covered by any section but which your trustee should be made aware of, then additional sheets may be attached and submitted with this questionnaire.

- Q 1. (a) If you are working, provide details of your occupation.
- (b) Answer "yes" if Tax and National Insurance is deducted by your employer at source.
- (c) Provide details of your Gross Income (before deductions) from your payslip.
- (d) Advise if your employer is aware of your bankruptcy.
- Q2. Provide details of the type of benefits you receive, e.g. Universal Credit, Income support, Employment Support Allowance, Disability Living Allowance, and Working Tax Credits.
- You should also specify the amount and how often you are paid (weekly/fortnightly/monthly/4 weekly).
- Q3. (a) If you are self-employed, provide details of your occupation or job title.
- (b) Enter your average income. This should be the average weekly or monthly amount based on earnings over the last trading year.
- (c) Answer "yes" if you pay National Insurance contributions.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Q1. Individuals in employment:

- (a) Occupation:
- (b) Tax and National Insurance deducted by employer YES NO
- (c) Gross income (before deductions)
- (d) Is your employer aware of your bankruptcy? YES NO

Note: Please attach your two most recent wage/salary slips. Any documents received will be returned to you after a copy has been taken.

Q2. Individuals in receipt of Social Security benefit(s) or Tax Credits:

Benefit(s) claimed:

Type of benefit	Amount received	Frequency

Q3. Individuals who are self-employed:

- (a) Occupation:
- (b) Average income (gross):
- (c) Frequency of income (weekly, monthly etc):
- (d) Are you paying National Insurance contributions? YES NO

Completion Guidance

You should complete this application pack using **BLACK INK** and **CAPITAL LETTERS** throughout.

The information on this page will help you complete the next page.

- Q4. (a) Answer "yes" if you receive any income in addition, or other than employment/benefit income (pensions annuities, grants, trusts, rents etc).
- If "yes" you should provide details of any payment received. Attach any documentation relating to the payment and return it with this form.
- (b) Answer "yes" if you have received any "one-off" payments since the date of bankruptcy or last report e.g. inheritances, gifts, pools/lottery wins, assurance policies, redundancy payments, or anything similar.
- If "yes" you should provide details of any payments received. Attach any documentation relating to the payment and return it with this form.
- Q5. Provide details of **ALL** bank accounts you hold, including details of the name of the bank, the branch, account type, account number and current balance.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Q4 Income other than employment/benefits

(a) Do you have any other source of income? YES NO

If "yes" please provide details below:

Income type	Amount received	Date received

(b) Have you received any "one-off" payments? YES NO

If "yes" please provide details below:

Income type	Amount received	Date received

Q5 Details of bank, building society or savings account(s) operated by you:

Name of bank/building society	Branch	Account type (current/savings)	Account number	Balance (£)

Completion Guidance

You should complete this application pack using **BLACK INK** and **CAPITAL LETTERS** throughout.

The information on this page will help you complete the next 4 pages.

- Q6. In order for your circumstances to be assessed fairly it is important that we receive an accurate account of the household income and expenses from all occupants. If you fail to provide the income and expenses of all parties living in the household it will be assumed that all persons pay an equal share of the household expenses.

Over the next 4 pages of this form you are required to complete the tables provided with your income and expenditure.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Q6. Income and Expenditure

Total number of people in household
 Number of dependent children under 14 in the household
 Number of dependent children age 14-18 in the household

Salary and wages

Income	Amount (£)	Frequency
Debtor's salary/wages		
Partner's salary/wages		

Pensions

Pension(s)	Amount (£)	Frequency
State Pension(s)		
Private or work pension(s)		
Pension Credit		

Other income

Other income	Amount (£)	Frequency
Maintenance or child support		
Boarders or lodgers		
Non-dependant contribution		
Student loans or grants		
(To be completed with any other household income)		
(To be completed with any other household income)		
(To be completed with any other household income)		

Benefits

Type of benefit	Amount (£)	Frequency
Jobseeker's Allowance		
Income Support		
Working Tax Credits		
Child Tax Credits		
Child Benefit		
Employment and Support Allowance		
DLA, PIP or attendance allowance		
Carer's Allowance		
Housing Benefit/Local Housing Allowance		
Council Tax Reduction		
Universal Credit		
(Other)		
(Other)		
(Other)		

Please use the space provided below to give details of any benefit listed under "other"

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Essential expenditure	Amount	Frequency
Rent		
Ground rent, service charges, factor fees		
Mortgages		
Other Secured Loans		
Building and Content Insurance		
Pension and Life insurance		
Council Tax		
Gas		
Electricity		
TV Licence		
Magistrates or Sheriff Court Fines		
Maintenance or Child Support		
Hire Purchase/Conditional Sales		
Childcare Costs		
Adult Care Costs		

Phone	Amount	Frequency
Home Phone		
Mobile Phone(s)		

Travel	Amount	Frequency
Public Transport (work, school, shopping, etc)		
Car Insurance		
Vehicle Tax		
Fuel (Petrol, Diesel, Oil, etc)		
MOT and car maintenance		
Breakdown and Recovery		
Parking Charges or Tolls		

Housekeeping	Amount	Frequency
Food and Milk		
Cleaning and Toiletries		
Newspapers and Magazines		
Cigarettes Tobacco and Sweets		
Alcohol		
Laundry and dry cleaning		
Clothing and Footwear		
Nappies and baby items		
Pet Food		

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

Form 24

Notice by Trustee: Public Examination of the Debtor or a Relevant Person

Bankruptcy (Scotland) Act 2016
Section 119(6)(a)

Sequestration of the estate of

Insert debtor's name

The sheriff at

Insert name of Sheriff Court

has ordered that a public examination of

Insert debtor's name

Insert debtor's address

Town

Postcode

will take place at

Insert address of place of examination

on

Insert day, date and time of examination

Signature of trustee _____ Date _____

(bankruptcy ref)



Form 25

**Debtor Certificate of Discharge
(where Accountant in Bankruptcy not the trustee)**

Bankruptcy (Scotland) Act 2016
Section 137(2)

I certify that [debtor name and address]

whose estate was sequestrated on [dd/mm/yyyy], is discharged under section 137(2) of the Bankruptcy (Scotland) Act 2016 on [dd/mm/yyyy].

Accountant in Bankruptcy
[dd/mm/yyyy]

(bankruptcy ref)

**Debtor Certificate of Discharge
(where Accountant in Bankruptcy not the trustee)**

Bankruptcy (Scotland) Act 2016
Section 137(2)

Notes

The effect of this discharge is that, subject to the exceptions noted below, the debtor is discharged within the United Kingdom of all debts and obligations contracted by the debtor, or for which the debtor was liable, at the date of sequestration.

- (1) Exceptions in section 145(3) of the Bankruptcy (Scotland) Act 2016:-
- any liability to pay a fine or other penalty due to the Crown;
 - any liability under a confiscation order made under Part 2, 3 or 4 of the Proceeds of Crime Act 2002;
 - any liability to pay a fine imposed in a justice of the peace court (or a district court);
 - any liability under a compensation order within the meaning of section 249 of the Criminal Procedure (Scotland) Act 1995;
 - any liability to forfeiture of a sum of money deposited in court under section 24(6) of the Criminal Procedure (Scotland) Act 1995;
 - any liability incurred by reason of fraud or breach of trust;
 - any obligation to pay aliment or any sum of an alimentary nature;
 - any periodical allowance payable on divorce;
 - court ordered child support maintenance;
 - any obligation imposed on the debtor by section 215 (debtor to co-operate with trustee) of the Bankruptcy (Scotland) Act 2016.
- (2) The discharge of the debtor does not affect any right of a secured creditor to enforce a security.
- (3) The discharge of the debtor does not affect liability to repay a student loan.
- (4) The discharge of the debtor does not affect:
- any continuing obligation of the debtor to pay to the trustee any debtor contribution under a Debtor Contribution Order as fixed by the Accountant in Bankruptcy or varied by the trustee or the court;
 - any Bankruptcy Restrictions Order to which the debtor is subject.

(bankruptcy ref)



Form 26

**Debtor certificate of discharge
(where the Accountant in Bankruptcy is the trustee)**

Bankruptcy (Scotland) Act 2016
Section 138(2)

I certify that [debtor name and address]

Whose estate was declared bankrupt on [dd/mm/yyyy], was discharged under or by virtue of section 138(2) of the Bankruptcy (Scotland) Act 2016 on [dd/mm/yyyy].

Accountant in Bankruptcy
[dd/mm/yyyy]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

(bankruptcy ref)

Debtor certificate of discharge
Bankruptcy (Scotland) Act 2016
Section 138(2)

Notes

The effect of this discharge is that, subject to the exceptions noted below, the debtor is discharged within the United Kingdom of all debts and obligations contracted by the debtor, or for which the debtor was liable, at the date of sequestration.

- (1) Exceptions in section 145(3) of the Bankruptcy (Scotland) Act 2016:
- any liability to pay a fine or other penalty due to the Crown;
 - any liability under a confiscation order made under Part 2, 3 or 4 of the Proceeds of Crime Act 2002;
 - any liability to pay a fine imposed in a district court;
 - any liability under a compensation order within the meaning of section 249 of the Criminal Procedure (Scotland) Act 1995;
 - any liability to forfeiture of a sum of money deposited in court under section 24(6) of the Criminal Procedure (Scotland) Act 1995;
 - any liability incurred by reason of fraud or breach of trust;
 - any obligation to pay aliment or any sum of an alimentary nature;
 - any periodical allowance payable on divorce;
 - court ordered child support maintenance;
 - any obligation imposed on the debtor by section 215 (debtor to co-operate with trustee) of the Bankruptcy (Scotland) Act 2016.
- (2) The discharge of the debtor does not affect any right of a secured creditor to enforce a security.
- (3) The discharge of the debtor does not affect liability to repay a student loan.
- (4) The discharge of the debtor does not affect:
- any continuing obligation of the debtor to pay to the trustee any debtor contribution under a Debtor Contribution Order as fixed by the Accountant in Bankruptcy or varied by the trustee or the court;
 - any Bankruptcy Restrictions Order to which the debtor is subject.

(bankruptcy ref)



Form 27

**Debtor Certificate of Discharge
(debtor to whom section 2(2) applies)**

Bankruptcy (Scotland) Act 2016
Section 140(2)

I certify that [debtor name and address]

whose estate was sequestrated on [dd/mm/yyyy], is discharged under section 140(1) of the Bankruptcy (Scotland) Act 1985 (as amended) on [dd/mm/yyyy].

Accountant in Bankruptcy
[dd/mm/yyyy]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Bankruptcy (Scotland) Regulations 2016 No. 397*

(bankruptcy ref)

**Debtor Certificate of Discharge
(debtor to whom section 2(2) applies)**

Bankruptcy (Scotland) Act 2016
Section 140(2)

Notes

The effect of this discharge is that, subject to the exceptions noted below, the debtor is discharged within the United Kingdom of all debts and obligations contracted by the debtor, or for which the debtor was liable, at the date of sequestration.

- (1) Exceptions in section 145(3) of the Bankruptcy (Scotland) Act 2016:
- any liability to pay a fine or other penalty due to the Crown;
 - any liability under a confiscation order made under Part 2, 3 or 4 of the Proceeds of Crime Act 2002;
 - any liability to pay a fine imposed in a justice of the peace court (or a district court);
 - any liability under a compensation order within the meaning of section 249 of the Criminal Procedure (Scotland) Act 1995;
 - any liability to forfeiture of a sum of money deposited in court under section 24(6) of the Criminal Procedure (Scotland) Act 1995;
 - any liability incurred by reason of fraud or breach of trust;
 - any obligation to pay aliment or any sum of an alimentary nature;
 - any periodical allowance payable on divorce;
 - court ordered child support maintenance;
 - any obligation imposed on the debtor by section 215 (debtor to co-operate with trustee) of the Bankruptcy (Scotland) Act 2016.
- (2) The discharge of the debtor does not affect any right of a secured creditor to enforce a security.
- (3) The discharge of the debtor does not affect liability to repay a student loan.
- (4) The discharge of the debtor does not affect any Bankruptcy Restrictions Order to which the debtor is subject.

(bankruptcy ref)

Form 28

Deferral Notice

Bankruptcy (Scotland) Act 2016
Section 141(2)(a)

I,	Insert trustee's name
	Insert business address
	Town
	County
	Postcode

was appointed as trustee in the sequestration of

	Insert debtor's name
	Insert debtor's address
	Town
	County
	Postcode

("the debtor")

by

* the Accountant in Bankruptcy

* the Sheriff at ____ (insert name of Court)

on ____ (insert date of appointment).

I confirm that

(a) having made reasonable enquiries, I am unable to ascertain the whereabouts of the debtor; and

(b) as a result, I am unable to carry out my functions as trustee in accordance with section 50 of the Bankruptcy (Scotland) Act 2016.

Signature of trustee _____ Date _____

* delete as appropriate

RECIPIENTS OF THIS FORM: PLEASE READ THE NOTES WHICH FOLLOW

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

(bankruptcy ref)

Notes

This notice is sent to the last known address of the debtor to give notice that the trustee acting in the debtor's bankruptcy cannot trace the debtor, and so is proposing to defer the debtor's discharge indefinitely. The notice is given under section 141(2)(a) of the Bankruptcy (Scotland) Act 2016.

This notice must also be given to every creditor known to the trustee (section 141(2)(b) of that Act).

- Where the Accountant in Bankruptcy is not the trustee, the trustee must, as well as sending this notice, apply to the Accountant in Bankruptcy for the deferral (in Form 29 under section 141(2)(c) of that Act). Any interested person **may make representations** to the Accountant in Bankruptcy **within 14 days beginning with the day on which the application for deferral is made.**

- Where the Accountant in Bankruptcy is the trustee, and has given deferral notice under section 141(2)(b) any interested person **may make representations** to the Accountant in Bankruptcy **within 14 days beginning with the day on which this deferral notice is given.**

In either case the Accountant in Bankruptcy must take such representations into account in deciding whether to issue a certificate deferring indefinitely the discharge of the debtor.

If the Accountant in Bankruptcy is satisfied that:-

- where the Accountant in Bankruptcy is not the trustee, the trustee is unable to ascertain the whereabouts of the debtor, and

- it would not be reasonably practicable for the trustee to continue to search for the debtor

the Accountant in Bankruptcy must issue a certificate deferring indefinitely the discharge of the debtor.

(bankruptcy ref)

Form 29

Application for Deferral

Bankruptcy (Scotland) Act 2016
Section 141(2)(c)

Application

I,	Insert trustee's name
	Insert business address
	Town
	County
	Postcode

was appointed as trustee in the sequestration of

	Insert debtor's name
	Insert debtor's address
	Town
	County
	Postcode

("the debtor")

by

* the Accountant in Bankruptcy

* the Sheriff at _____ (insert name of Court)

on _____ (insert date of appointment).

I apply to the Accountant in Bankruptcy for deferral of the discharge of the debtor.

I confirm

- (i) following reasonable enquiries I am unable to ascertain the debtor's whereabouts;
- (ii) as a result, I am unable to carry out my functions as trustee in accordance with section 50 of the Bankruptcy (Scotland) Act 2016;
- (iii) I have notified the debtor by sending a Form 28 deferral notice to the debtor's last known address; and

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(bankruptcy ref)

(iv) I have given a Form 28 deferral notice to every known creditor.

I confirm that this application is made

(i) no earlier than the date which is 8 months after the date of bankruptcy award;

and

(ii) no later than the date which is 10 months after that date.

Signature of trustee _____ Date _____

* delete as appropriate

3. Evidence in support of your application.

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(bankruptcy ref)



Form 30

Certificate of Deferral of Discharge

Bankruptcy (Scotland) Act 2016
Section 141(4)(b) or (6)(b)

Bankruptcy of (debtor name)

[debtor name]
[debtor address]

("the debtor")

In terms of section 141 of the Bankruptcy (Scotland) Act 2016, I defer indefinitely the discharge of the debtor.

Accountant in Bankruptcy
[dd/mm/yyyy]

Form 31

(bankruptcy ref)

Trustee Application for Authority to Resign Office

Bankruptcy (Scotland) Act 2016
section 142(2)

Application

I,	Insert trustee's name
	Insert business address
	Town
	County
	Postcode

was appointed as trustee in the sequestration of

	Insert debtor's name
	Insert debtor's address
	Town
	County
	Postcode

("the debtor")

by

* the Accountant in Bankruptcy

* the Sheriff at _____ (insert name of Court)

on _____ (insert date of appointment).

I apply to the Accountant in Bankruptcy for authority to resign from office as trustee.

Certificate of deferral under section 141(4)(b) of the Bankruptcy (Scotland) Act 2016 was awarded on:

(dd/mm/yyyy)

I confirm, under reference to section 142(4)(a) of that Act, that:-

(i) following award of the certificate of deferral I have not ascertained the debtor's whereabouts and the debtor has not made contact with me;

and

(ii) this application is made not more than 6 months after the date on which the certificate of deferral was awarded.

Signature of trustee _____ Date _____

* delete as appropriate

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(bankruptcy ref)

Creditors

(Please use this section to provide details of all known creditors)
(Name, address, reference, amount claimed)

(bankruptcy ref)

Further Information

(please use this section to provide any further information to support your application)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397

(bankruptcy ref)



Form 32

Notice Granting Trustee Authority to Resign Office

Bankruptcy (Scotland) Act 2016
Section 142(5)

In terms of section 142(5) of the Bankruptcy (Scotland) Act 2016, I hereby grant;

[trustee name]
[trustee address]

authority to resign office as trustee in the sequestration of
[debtor name and address]

Accountant in Bankruptcy
[dd/mm/yyyy]



Form 33

Moratorium – Notice of Intention to Apply

Bankruptcy (Scotland) Act 2016
Section 195(1)

*I/We,	Insert full name(s)
	Previous names (if applicable)
(see note 1)	
as executor(s), or person(s) entitled to be appointed executor(s), on the estate of	Enter name of deceased (if applicable)
(see note 2)	
	Previous names of deceased (if applicable)
(see note 2)	
on behalf of	Enter name of entity (if applicable) and type of legal person
(see note 3)	
	Address
(see note 4)	
	Town
(see note 4)	
	Postcode
(see note 4)	
	Date of birth
(see note 5)	

give notice, in accordance with section 195(1) of the Bankruptcy (Scotland) Act 2016, of intention to either:

- a. make a debtor application for sequestration under section 2(1)(a) of the Bankruptcy (Scotland) Act 2016; or
- b. seek to fulfil the conditions required in order for a trust deed granted by or on behalf of _____ (see note 6) to be granted the status of protected trust deed; or

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- c. apply for the approval of a debt payment programme in accordance with section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002 (as amended).

*I/We have/The above entity has not given notice under section 195(1) of the Bankruptcy (Scotland) Act 2016 in the past 12 months.

*I/We accept that, in accordance with section 195 of the Bankruptcy (Scotland) Act 2016, the Accountant in Bankruptcy will enter the name and address information provided in this form in the public Register of Insolvencies and the public DAS Register.

Signed _____

Print name _____

Date _____

*delete as appropriate

Notes for completion

(1) Complete where you are filling in Form 33 in your own right. Otherwise leave blank.

(2) Complete if you are filling in Form 33 as executor, or person entitled to be appointed executor, on the estate of a deceased individual. Otherwise leave blank.

(3) Complete where you are filling in Form 33 on behalf of an entity (eg partnership etc.) which wishes to give notice of its intention to either seek to fulfil the conditions for a trust deed to be a protected trust deed or to apply for the approval of a debt payment programme – see, in particular, section 195(1)(b) and (c) of the Bankruptcy (Scotland) Act 2016. For “type of legal person” indicate if the person (i.e. the entity) giving notice is a partnership, limited partnership, trust, corporate body (other than a company, Limited Liability Partnership or other body which cannot be subject to a protected trust deed or debt payment programme under the Debt Arrangement Scheme) or unincorporated body of persons. Otherwise leave blank.

Form 34 is the form of written notice for the purposes of section 196 of the Bankruptcy (Scotland) Act 2016 for use where an entity wishes to give notice of its intention to make a debtor application for sequestration under section 6 of that Act.

- (4) Complete to provide:
 - your own address, where you are filling in Form 33 in your own right,
 - the last address of the deceased, if you are filling in Form 33 as executor, or person entitled to be appointed executor, on the estate of a deceased individual, or
 - the entity’s address, if you are filling in Form 33 on behalf of an entity.

(5) Complete to provide:

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- your own date of birth, where you are filling in Form 33 in your own right, or
- the deceased's date of birth, if you are filling in Form 33 as executor, or person entitled to be appointed executor, on the estate of a deceased individual.

If you are filling in Form 33 on behalf of an entity, leave blank.

(6) If applicable, enter the person who granted the trust deed/on whose behalf the trust deed was granted.

Note that accurate information must be provided for the protection of the moratorium to apply.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Bankruptcy (Scotland) Regulations 2016 No. 397



Form 34

Moratorium – Notice of Intention to Apply (Trust, Partnership etc.)

Bankruptcy (Scotland) Act 2016
Section 196(1)

I,	Insert your full name
on behalf of,	Enter name of Entity
	Entity address
	Town
	Postcode

give notice in accordance with section 196(1) of the Bankruptcy (Scotland) Act 2016 of the above entity's intention to make a debtor application for sequestration under section 6 of that Act.

I confirm that notice has not been given under section 196(1) in respect of the above entity's estate in the past 12 months.

I accept that, in accordance with section 196 of the Bankruptcy (Scotland) Act 2016, the Accountant in Bankruptcy will enter my name and the name and address of the above entity in the public Register of Insolvencies.

Signed _____

Print name _____

Date _____