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SCOTTISH STATUTORY INSTRUMENTS

2008 No. 82

BANKRUPTCY

The Bankruptcy (Scotland) Regulations 2008

Made - - - -	*4th March 2008*
Laid before the Scottish Parliament - - - -	*5th March 2008*
Coming into force - -	*1st April 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 5(4C)(**15**), 6(7), 7(1)(d), 8(2), 11(1), 15(6), 19(1), 22(2)(a) and (6), 23(1)(a), 25(6)(b), 45(3)(a), 48(7), 49(3), 51(7)(a), 54(2), 67(8), 69, 73 and 74 of the Bankruptcy (Scotland) Act 1985(**1**), section 225(1) of the Bankruptcy and Diligence (Scotland) Act 2007(**2**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Bankruptcy (Scotland) Regulations 2008 and come into force on 1st April 2008.

Interpretation

2. In these Regulations:

"the 1985 Act" means the Bankruptcy (Scotland) Act 1985;

"the 1985 Regulations" means the Bankruptcy (Scotland) Regulations 1985(**3**); and

"the 1907 Act" means the Limited Partnership Act 1907(**4**).

Forms

3. The forms set out in the Schedule to these Regulations are the forms referred to in these Regulations, failing which they are the forms prescribed for the purposes of the provisions of the 1985 Act referred to therein.

(**15**) Section 5(4C) of the 1985 Act was inserted by section 14(3)(b) of the 2007 Act.
(**1**) 1985 c. 66; the functions of the Secretary of State were transfered to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(**2**) 2007 asp 3.
(**3**) S.I. 1985/1925, as amended by S.I. 1986/1914, 1993/439 and 2003/2109.
(**4**) 1907 c. 24.

Claims in foreign currency

4. A creditor may state the amount of that creditor's claim in a foreign currency for the purposes of section 22(6) or that section as applied by section 48(7) of the 1985 Act, where–

(a) the claim is constituted by decree or other order made by a court ordering the debtor to pay to the creditor a sum expressed in a foreign currency; or, where it is not so constituted,

(b) the claim arises from a contract or bill of exchange in terms of which payment is or may be required to be made by the debtor to the creditor in a foreign currency(**5**).

Conversion of foreign currency claims

5. For the purposes of section 23(1)(a) and 49(3) of the 1985 Act, the manner of conversion into Sterling of the amount of a claim stated in foreign currency shall be at the rate of exchange for that currency at the mean of the buying and selling spot rates prevailing at the close of business on the date of sequestration in the London market as published in any national newspaper(**6**).

Interest on claims in sequestration

6. The prescribed rate of interest for the purposes of section 51(7) of the 1985 Act (interest on preferred debts and ordinary debts between the date of sequestration and the date of payment of the debt) is 8 *per centum per annum*(**7**).

Premium of bond of caution

7. Any premium (or a proportionate part thereof) of any bond of caution or other security required to be given by an insolvency practitioner in respect of that insolvency practitioner's actings as interim trustee or trustee in any sequestration in which the insolvency practitioner is elected or appointed may be taken into account as part of that insolvency practitioner's outlays in that sequestration(**8**).

Definition of "associate"

8.—(1) Section 74 of the 1985 Act (meaning of "associate") shall be amended or modified in accordance with the following paragraphs.

(2) In subsection (3) for "and of the husband or wife or a relative of any individual with whom he is in partnership;", substitute "and of any person who is an associate of any person with whom he is in partnership;".

(3) After subsection (5), insert the following subsections:–

"(5A) A company is an associate of another company–

(a) if the same person has control of both, or a person has control of one and persons who are his associates, or he and persons who are his associates, have control of the other; or

(b) if a group of two or more persons has control of each company, and the groups either consist of the same persons or could be regarded as consisting of the same persons by treating (in one or more cases) a member of either group as replaced by a person of whom he is an associate.

(5B) A company is an associate of another person if that person has control of it or if that person and persons who are his associates together have control of it.

(**5**) This regulation is a re-enactment of regulation 6 of the 1985 Regulations.
(**6**) This regulation is a re-enactment of regulation 7 of the 1985 Regulations.
(**7**) This regulation re-enacts regulation 8 of the 1985 Regulations, as amended by S.I. 1993/439, regulation 4.
(**8**) This regulation re-enacts, with modifications, regulation 10 of the 1985 Regulations.

(5C) For the purposes of this section a person shall be taken to have control of a company if–

(a) the directors of the company or of another company which has control of it (or any of them) are accustomed to act in accordance with his directions or instructions; or

(b) he is entitled to exercise, or control the exercise of, one third or more of the voting power at any general meeting of the company or of another company which has control of it,

and where two or more persons together satisfy either of the above conditions, they shall be taken to have control of the company.".

(4) Subsection (6) shall apply subject to the modification that, "In subsection (5) above,", there shall be substituted "In subsections (5), (5A), (5B), and (5C) above,"(**9**).

Application of the 1985 Act to limited partnerships

9.—(1) The application of the 1985 Act to the sequestration of the estate of a limited partnership shall be subject to the modifications specified in this regulation.

(2) Any reference in the 1985 Act or in legislation made under that Act (unless the context suggests otherwise) to a partnership (other than in section 6(1)) or to a firm shall be construed as including a reference to a limited partnership.

(3) In the application of section 9 of the 1985 Act to limited partnerships–

(a) the Accountant in Bankruptcy shall have jurisdiction if a limited partnership is registered in Scotland and has a place of business in Scotland; and

(b) the sheriff shall have jurisdiction if a limited partnership is registered in Scotland and has a place of business within the sheriff's sheriffdom.

(4) Without prejudice to the provisions of sections 14(1), 15(5) and 17(8) of the 1985 Act, the sheriff clerk shall send a copy of every court order mentioned in those sections to the Registrar of Limited Partnerships in Scotland(**10**).

(5) In the case of a debtor application by a limited partnership, the Accountant in Bankruptcy shall send a copy of the determination to the Registrar of Limited Partnerships in Scotland.

Preference for remuneration of employees, etc.

10. The amount which is prescribed for the purposes of paragraphs 5(1) and 6 of Schedule 3 to the 1985 Act (the maximum amount which can be claimed as a preferred debt by an employee by way of remuneration or by a person under the Reserve Forces (Safeguard of Employment) Act 1985(**11**)) shall be £800(**12**).

Notice of sequestration in Edinburgh Gazette by trustee

11. The information prescribed for the purposes of section 15(6) of the 1985 Act (obligation of trustee to publish notice of award of sequestration in *Edinburgh Gazette*), shall be:

(a) the name, designation and address of the debtor, including, if the debtor trades under a different name, the debtor's trading name and address;

(b) the name of the court which granted the award of sequestration (or, where applicable, that the award was made by the Accountant in Bankruptcy on a debtor application);

(**9**) This regulation re-enacts regulation 11 of the 1985 Regulations.
(**10**) This regulation re-enacts, with modifications, regulation 12 of the 1985 Regulations.
(**11**) 1985 c. 17.
(**12**) This regulation re-enacts regulation 14 of the 1985 Regulations, as amended by S.I. 1986/1914, regulation 3.

(c) the date of sequestration; and

(d) the name, designation and office address of the trustee who has been appointed to act on the sequestrated estate of the debtor(**13**).

Debt Advice and Information Pack

12.—(1) Subject to paragraph (2) the time prescribed for the purposes of section 5(2D) of the 1985 Act(**14**) is not less than 14 days before the presentation of the petition and not more than, 12 weeks before the presentation of the petition.

(2) The requirement to provide the debtor with a debt advice and information package in section 5(2D) of the 1985 Act does not apply where it is averred that the address of the debtor is not known.

Apparent Insolvency/Creditor Debt Threshold

13. The sum which is prescribed for the purposes of section 7(1)(d) of the 1985 Act is £1500.

Debtor Applications

14.—(1) A debtor application(**16**) (including a low income/low asset application) as defined in section 73 of the 1985 Act shall be made to the Accountant in Bankruptcy–

(a) in the case of an application by a living debtor without concurrence of a qualified creditor or creditors, in the form of Form 9;

(b) in the case of an application by a living debtor with concurrence of a qualified creditor or qualified creditors in the form of Form 10;

(c) in the case of an application by an entity referred to in section 6(1) of the 1985 Act in the form of Form 11; and

shall be accompanied in terms of section 5(6A) of the 1985 Act by a statement of assets and liabilities in the form of Form 12.

(2) Where in a debtor application the debtor nominates an Insolvency Practitioner to act as the trustee in the sequestration and the Insolvency Practitioner agrees to act, the application must be accompanied by the Insolvency Practitioner's written undertaking to act as the trustee in the form of Form 13.

(3) In the case of a debtor application, if the Accountant in Bankruptcy considers that–

(a) the application has not been fully completed;

(b) there is a fee outstanding in respect of the application; or

(c) an award of sequestration may not be appropriate in the circumstances of the case,

the Accountant in Bankruptcy shall advise the debtor in writing of which of the circumstances (a), (b) or (c) applies and require the debtor within 21 days (or such longer period as the Accountant in Bankruptcy may specify) to provide the outstanding fee or supply further information as specified by the Accountant in Bankruptcy.

(4) If after the expiry of the 21 days–

(a) the application has not been fully completed;

(**13**) This regulation re-enacts, with modifications, regulation 16 of the 1985 Regulations, as inserted by S.I. 1993/439.

(**14**) Section 5(2D) of the 1985 Act was inserted by the Bankruptcy and Diligence (Scotland) Act 2007 (asp 3), section 26.

(**16**) The definition of "debtor application" in section 73 of the 1985 Act was inserted by paragraph 60(2)(b) of the Schedule 1 to the 2007 Act.

(b) payment of any outstanding fee in respect of the application has not been received by the Accountant in Bankruptcy; or

(c) the Accountant in Bankruptcy is otherwise not satisfied that an award of sequestration is appropriate in the circumstances of the case,

the Accountant in Bankruptcy may refuse to award sequestration.

(5) The Accountant in Bankruptcy or the Depute Accountant in Bankruptcy shall daily sign a Schedule in the form of Form 14 listing those debtors whose estates have been sequestrated that day and shall enter the Schedule into the register of insolvencies.

(6) The Accountant in Bankruptcy shall notify in writing debtors in respect of whom an award of sequestration has been made forthwith after the award of sequestration.

(7) Where the Accountant in Bankruptcy refuses to award sequestration, the Accountant in Bankruptcy or Depute Accountant in Bankruptcy must complete and sign a Form 15 in respect of the debtor and forthwith send a copy to the applicant, or applicants, in the debtor application.

(8) Where the Accountant in Bankruptcy awards sequestration the certified notice of the determination to be sent by the Accountant in Bankruptcy to the Keeper of the Registers of Scotland for recording in terms of section 14(1A)(**17**) of the 1985 Act shall be in the form of Form 16 and the certification shall be by the Accountant in Bankruptcy, the Depute Accountant in Bankruptcy or any other person authorised by the Accountant in Bankruptcy to certify the notice of the determination on behalf of the Accountant in Bankruptcy.

(9) A certified notice containing an electronic signature, in a form to be agreed between the Accountant in Bankruptcy and the Keeper of Registers of Scotland, of a determination referred to in paragraph (8) may be sent by the Accountant in Bankruptcy to the Keeper of the Registers of Scotland electronically.

Debtor applications/low income, low assets

15.—(1) In the case of debtor applications, on the basis that the low income/low asset conditions set out in section 5(2B)(c)(ia) of the 1985 Act may be met, the debtor must complete and return to the Accountant in Bankruptcy, within 21 days of being required by the Accountant in Bankruptcy in writing to complete it, a statutory declaration in the form of Form 17.

(2) In the event that a statutory declaration is not completed and returned by the debtor as required under paragraph (1), the Accountant in Bankruptcy, unless satisfied that the debtor is apparently insolvent in terms of section 7 of the 1985 Act, shall refuse to grant the application.

(3) In the case of an award of sequestration on the basis of an application fulfilling the conditions set out in section 5(2B)(c)(ia) of the 1985 Act, the notice published by the trustee in the Edinburgh Gazette in terms of section 15(6) of the 1985 Act, shall include a statement that–

(a) the debtor meets the conditions set out in section 5(2B)(c)(ia) of the 1985 Act; and

(b) that no dividend is expected and therefore creditors are not invited to submit claims in anticipation of a dividend, although the Accountant in Bankruptcy shall accept notification of sums outstanding to any creditor or of any other information relevant to the sequestration which a creditor may wish to draw to the attention of the Accountant in Bankruptcy.

Report where no statutory meeting called

16. A report to the Accountant in Bankruptcy in terms of section 21B(1) shall be in the form of Form 18.

(**17**) Section 14(1A) of the 1985 Act was inserted by paragraph 12(3) of the Schedule 1 to the 2007 Act.

Trustee Resignation Application

17. An application under section 28(1) of the 1985 Act by a trustee for authority to resign shall be in the form of Form 19.

Income Payment Agreements

18. An income payment agreement made under section 32(4B) of the 1985 Act shall be in the form of Form 20.

Abandonment of Heritable Property by Trustee

19.—(1) Where a trustee (other than the Accountant in Bankruptcy) has abandoned to the debtor any heritable property, notice of abandonment for the purposes of section 32(9A)(**18**) of the 1985 Act shall be in the form of Form 21.

(2) Where a trustee, being the Accountant in Bankruptcy, abandons any heritable property in the circumstances referred to in paragraph (1) above, notice of abandonment shall be in the form of Form 22.

(3) Notice of abandonment referred to in paragraph (2) shall be by the Accountant in Bankruptcy, the Depute Accountant in Bankruptcy or any other person authorised by the Accountant in Bankruptcy to certify the copy of the determination on behalf of the Accountant in Bankruptcy.

(4) A certified copy of a notice referred to in paragraph (2), containing an electronic signature, in a form to be agreed between the Accountant in Bankruptcy and the Keeper of Registers of Scotland, may be sent electronically by the Accountant in Bankruptcy to the Keeper of the Registers of Scotland.

Debtor's requirement to give account of state of affairs

20. A debtor's account of that debtor's current state of affairs for the purposes of section 43A(2)(**19**) of the 1985 Act shall be in the form of Form 23.

Revocations

21. The 1985 Regulations are hereby revoked.

Saving Provisions

22. Notwithstanding the revocation of the 1985 Regulations, regulations 2, 5, 9, 10, 13, 15, 16, 17 and 18 shall remain in force with respect to any sequestration in respect of which the petition is presented before or, in the case of regulation 18, trust deeds granted prior to the coming into force of these Regulations.

St Andrew's House,
Edinburgh
4th March 2008

FERGUS EWING
Authorised to sign by the Scottish Ministers

(**18**) Section 32(9A) of the 1985 Act was inserted by section 19 of the 2007 Act.
(**19**) Section 43A(2) of the 1985 Act was inserted by section 30 of the 2007 Act.

SCHEDULE Regulation 3

Form 1

STATUTORY DEMAND FOR PAYMENT OF DEBT

Bankruptcy (Scotland) Act 1985: Section 7(1)(d)

Warning to person Receiving Demand

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.

Notes for Creditors

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.

Insert name and address of debtor

Insert name and address of creditor

(a) Insert name and address of person completing the demand

* Delete if creditor is completing demand
(b) Insert name of creditor

(c) Insert name of debtor
* Delete as appropriate
(d) Insert amount of debt(s) claimed. The total of the debt(s) must not be less than £1,500.

Please do not ignore this form

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.

The Demand

To _____
_____
_____
_____

From
_____
_____
_____
_____

1. (a) I, _____
_____
_____

*being a person authorised to act on behalf of
(b) _____ (the creditor)

claim that as at the date of this Demand
(c) you, _____
owe me/the creditor* the sum of
(d) £ _____
(the sum demanded)

(e) Describe the matters which led to the debt(s). If more space is needed please use a separate piece of paper.

(f) Insert the reasons why it is claimed that the debt(s) forming the subject of the Demand are liquid. A debt is liquid where it is for a certain settled amount and is immediately payable to the debtor. There must also be clear evidence of the existence of the debt, for example, a written admission by the debtor or a document which establishes the debt (such as a court decree or contract).

* Delete whichever does not apply

* Delete whichever does not apply

* Delete whichever does not apply

* Delete whichever does not apply

* Delete whichever does not apply

2. The sum demanded is in respect of
(e) _____
_____

3. The sum demanded is immediately payable and consists of a liquid debt or debts in that
(f) _____
_____
_____

4. If you believe

—that you do not owe me/the creditor* the sum demanded or any part of it, or
—that you do not have to pay the sum demanded or any part of it immediately to me/the creditor*

you must **IMMEDIATELY** fill in the **DENIAL SLIP** at the end of this form (or a copy of it) and post it, or a letter to the same effect to the creditor by **RECORDED DELIVERY POST** so as to arrive within 3 weeks after the date of service of this Demand on you (this date is shown in the Docquet of Service below).

5. If, however, you accept

—that you owe me/the creditor* the sum demanded and
—that you have to pay the sum demanded immediately to me/the creditor*

you must, within the 3 week period mentioned in paragraph 4 above, pay it to me/the creditor* or find security for its payment.

6. If, within the 3 week period mentioned in paragraph 4 above, you have not taken the steps mentioned in either paragraph 4 or 5 above, you may be made bankrupt by the court, and your property and goods put into the hands of a trustee for the benefit of all your creditors.

Signed _____
Creditor * / on behalf of creditor
Date _____

DOCQUET OF SERVICE

Note 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.	
(a) Insert name and address of debtor	To (a) _____ _____ _____ _____
(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.	You are served with the above Demand on (b) _____ by me,
(c) Insert name and address of messenger-at-arms or sheriff officer.	(c) _____ _____ _____ in the presence of the witness who also signs below.
* delete whichever is inapplicable	Signed _____ Messenger-at-arms/Sheriff Officer* Date _____ Name and address of witness in BLOCK CAPITALS _____ _____ _____ _____ Signed _____ Witness

DENIAL SLIP

To be completed in the circumstances described in paragraph 4 of the Demand Form or in the notes for Debtor 2 and 3. *Note* You must fill in and sign this Denial Slip. Tear it off and post it **immediately** to the creditor by **RECORDED DELIVERY POST** to arrive within the three week period mentioned in paragraph 4 of the Demand Form.	
(a) Insert name and address of creditor	To (a) _____ _____ _____ _____ I refer to the demand served on me on
(b) Insert date of service of Demand as shown in the Docquet of Service.	(b) _____ I DENY
* Delete if inapplicable Only delete (c) if you accept that you owe the whole of the sum demanded but retain (d) if you are denying that you have to pay that sum immediately.	*(c) that I owe you the sum demanded *(d) that I have to pay you the sum demanded immediately Signature of Debtor _____ Date _____ Name of Debtor in BLOCK CAPITALS _____ Address of Debtor _____ _____ _____

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

Form 2

OATH BY CREDITOR

Bankruptcy (Scotland) Act 1985: Section 11(1)

This oath must be sworn by the creditor or a person authorised to act on his 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 11(2)(b) of the Act.
(a) Insert name and address of creditor	(a) _____
(b) If applicable, insert name and address of authorised person acting on behalf of creditor	(b) _____
* 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	(c) _____
* delete as appropriate	owes me/the creditor* the sum of
(d) Insert total amount of the debt or debts.	(d) £_____ 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 (e) Insert name and place where oath is sworn	Sworn/affirmed* at (e) _____
(f) Insert date	on (f) _____
(g) Name and address and designation of person administering the oath or affirmation	before (g) _____
* delete as appropriate	Signed _____ creditor/on behalf of creditor* Signature of person administering the oath/affirmation* _____

PARTICULARS OF EACH DEBT

Notes <u>A separate set of particulars should be made out in respect of each debt.</u>	
(1) 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).	**(1) Amount of debt**
(2) Specify what the debt is in respect of, the date or dates when it was incurred and when it became payable.	**(2) Details of debt**
(3) 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.	**(3) Evidence of debt**
(4) Specify the nature and value of any security held in respect of the debt or debts. For the purpose of the petition for sequestration, the value of any such security need not be deducted from the amount of the debt claimed.	**(4) Security for debt**
Security is defined for the purposes of the Bankruptcy (Scotland) Act 1985 as meaning "any security, heritable or moveable, or any right of lien, retention or preference".	

Form 3

STATEMENT OF ASSETS AND LIABILITIES

Petition by creditor or trustee under a trust deed

Bankruptcy (Scotland) Act 1985: Section 19(2)

WARNING TO THE DEBTOR

It is a criminal offence under section 19(3) of the Bankruptcy (Scotland) Act 1985 for you, unless you can show that you had a reasonable excuse, to:

(A) Fail to send this statement to your trustee with 7 days of being notified of his appointment.

(B) Fail to disclose any material fact in this statement.

(C) 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 three 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	
Insert Address	
Town	
County	
Postcode	

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

**date of bankruptcy is the date on which the Sheriff granted the petition which cited you to appear at court to decide whether you should be made bankrupt.*

I certify that the information I have supplied in Form 3 is true, complete and accurate to the best of my knowledge and belief.

I have read and understood the warning above.

Signature:_____ Date:_____

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.

Q4. Enter details of any bank accounts in your name, including joint accounts and accounts held in trust. 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	_____	_____	

Income

Bank Accounts

4. Give details of any sums held by you in Bank of 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

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.

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 –

- Examples of essential items are:
- 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.

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 owner(s) and the name and address of the property owner.

5. Investments

Type of investment	Name of company	Reference number

6. Non-essential possessions

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

7. Property

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

(Continue on a separate sheet if required)

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.

8. Unsecured debts (specify unsecured debts due by you)

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

(Continue on a separate sheet if required)

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.

9. Secured debts

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

Form 4

STATEMENT OF CLAIM BY CREDITOR

Bankruptcy (Scotland) Act 1985: sections 22(2) and 48

WARNING
It is a criminal offence

- for a creditor to produce a statement of claim, account, voucher or other evidence which is false, unless he shows that he neither knew nor had reason to believe that it was false; or
- for a debtor who knows or becomes aware that a creditor has made a false statement to fail to report it to their trustee within one month of acquiring such knowledge.

On conviction either creditor or debtor may be liable to a fine and/or imprisonment.

Notes	Sequestration of the estate of
(a) Insert name and address of debtor	*(a)* _____
(b) Insert name and address of creditor	*(b)* _____
(c) Insert name and address, if applicable, of authorised person acting on behalf of the creditor	*(c)* _____
(d) Insert details of any other proceedings in which a claim has been or is being submitted in respect of the debt or part of the debt and the amount claimed	*(d)* _____
(e) Insert total amount claimed in respect of all the debts, the particulars of which are set out overleaf.	I submit a claim of *(e)* £_____ In the above sequestration and certify that the particulars of the debt or debts making up that claim, which are set out overleaf, are true, complete and accurate, to the best of my knowledge and belief. Signed _____ Creditor*/person acting on behalf of creditor Date _____

PARTICULARS OF EACH DEBT	
Notes A separate set of particulars should be made out in respect of each debt	
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.	1. **Particulars of debt**
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.	2. **Amount of debt**
3. Specify and give details of the nature of any security held in respect of the debt including– (a) the subjects covered and the date when it was given; (b) the value of the security. 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 him on payment of the value specified by the creditor. (c) whether the creditor is surrendering or undertakes to surrender the security. Security is defined for the purposes of the Bankruptcy (Scotland) Act 1985 as meaning "any security, heritable or moveable, or any right of lien, retention or preference".	3. **Security for debt**
4. In the case of a creditor who is a Member State liquidator, specify and give details of underlying claims in respect of which he is claiming as creditor. Attach documentary evidence of debts.	4. **Underlying claims**
5. In calculating the total amount of his claim, a secured creditor must deduct the value of any security as estimated by him, unless he surrenders it (see note 3(c) above).	5. **Total amount of the debt**

Form 5

NOTICE BY REPLACEMENT TRUSTEE IN THE EDINBURGH GAZETTE OF CONFIRMATION IN OFFICE

Bankruptcy (Scotland) Act 1985: Section 25(6)(b)

Notes	Sequestration of the estate of
(a) Insert name of debtor	(a) _____
(b) Insert name and address of replacement trustee	I (b) _____ _____ _____ _____ _____
(c) Insert name and address of original/previous trustee	give notice that I have been confirmed as the replacement of (c) _____ _____ _____
(d) Insert name and address of debtor	as trustee of the sequestrated estate of (d) _____ _____ _____
(e) Insert Sheriff Court	by the Sheriff at (e) _____ _____
(f) Insert date	on (f) _____
	Signature of replacement trustee _____ Date _____

Form 6

NOTICE BY TRUSTEE IN THE EDINBURGH GAZETTE OF PUBLIC EXAMINATION OF THE DEBTOR OR A RELEVANT PERSON

Bankruptcy (Scotland) Act 1985 Section 45(3)(a)

Notes	Sequestration of the estate of
(a) Insert name of debtor	(a) _____
(b) Insert name of sheriff court	The sheriff at (b) _____ has ordered that a public examination of
(c) Insert name and address of person(s) to be examined	(c) _____ _____ _____ _____
(d) Insert address of place of examination	will take place at (d) _____ _____ _____ _____
(e) Insert day, date and time of examination	on (e) _____
	Signature of trustee _____ Date _____

Form 7

CERTIFICATE OF DISCHARGE OF DEBTOR

Bankruptcy (Scotland) Act 1985: Section 54(2)

Notes

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

(1) Exceptions in section 55(2) of the Bankruptcy (Scotland) Act 1985

- 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 1(3) of the Bail etc. (Scotland) Act 1980
- 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
- child support maintenance
- any obligation to execute a document required by the trustee.

(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.

Notes	Sequestration of the estate of
(a) Insert name of debtor	(a) _____
(b) Insert name and address of debtor	I certify that (b) _____ _____ _____ _____
(c) Insert date of sequestration	whose estate was sequestrated on (c) _____
	was discharged under or by virtue of section 54 of the Bankruptcy (Scotland) Act 1985 on
(d) Insert date of discharge.	(d) _____
	Signature _____ (authorised delegate of the Accountant in Bankruptcy)
	Date _____

Form 8

CACCEPTANCE OR REJECTION BY CREDITOR OF AN OFFEROF COMPOSITION

Bankruptcy (Scotland) Act 1985: Schedule 4 paragraph 4(c)

Notes	Sequestration of the estate of
(a) Insert name of debtor	(a) _____
	Creditor's response to offer of composition
(b) Insert name and address of trustee	To (b) _____
(c) Insert name and address of creditor	I, (c) _____
** Delete whichever is inappropriate*	accept/reject* the offer of composition made by or on behalf of
(d) Insert name and address of debtor	(d) _____
(e) Insert date	which was summarised in the report which you sent me on (e) _____
	Signed _____ (Creditor or authorised representative)
	Date _____

Form 9

DEBTOR APPLICATION WITHOUT CONCURRENCE

Q1. Enter the title you are known by (Mr, Mrs etc), your surname and your first name. If you have middle names, enter these after your first name.

If you are, or have been, known by any other first name or surname, please enter details.

Q2. Enter your date of birth in the order – day, month and year. Use 2 digits for the day and the month: 4 digits for the year, for example, 10/07/1975.

Q3. Enter your full address. Make sure that you put the town and postcode on their correct lines.

Enter your full telephone number including the STD (area) code.

Enter your mobile phone number if you have one.

Enter your e-mail address if you have one. This will help us to get in touch with you quickly if we need to.

1.	Title: (Mr/Mrs/etc)	
	Surname:	
	First and middle Names:	
	Any other names You are, or have been, Known as:	
2.	Date of birth (DD/MM/YYY)	
3.	Home address: (house name, street etc)	
	Town	
	County	
	Postcode	
	Telephone (including STD code)	
	Mobile	
	E-mail address	

Q4. If you have moved house within the last 3 years provide details of any previous addresses - use another sheet if necessary.

If you have obtained credit at any other address in the last 3 years, **even if you didn't live there**, provide details of these previous addresses. Use another sheet if necessary.

Q5a. Tick 'yes' if you have been made bankrupt in Scotland within the last 5 years. If you have been made bankrupt in Scotland within the last 5 years, you cannot make yourself bankrupt again until the 5 years are over and you should not proceed with this application.

If you are not sure whether or not you have been made bankrupt within the last 5 years, you can contact us on 0845 762 6460 and we will check for you. There is a charge of £16 for this service.

Q5b. Tick 'yes' if you have ever been made bankrupt (or the equivalent) anywhere outside Scotland.

Q5c. Tick 'yes' if you have, or have ever had, a business in Scotland or elsewhere. If 'yes', tell us where this was, for example, England, Spain, USA.

Q5d. Tick 'yes' if you own, or have ever owned, any heritable property in Scotland. This includes all or any part of a house, land, timeshare or any other property, including business or agricultural property.

Q5e. Tick 'yes' if you own, or have ever owned any heritable property in any country other than Scotland. This includes all or any part of a house, land, timeshare or any other property, including business or agricultural property.

If you ticked 'yes', tell us where this is or was.

4.	Previous address: (house name, street etc)	
	Town	
	County	
	Postcode	

		Yes	No
5a.	Have you been made bankrupt in Scotland within the past 5 years?	☐	☐
5b.	Have you been made bankrupt (or the equivalent) in any other country?	☐	☐
5c.	Have you, or have you ever had, a business in Scotland or any other country?	☐	☐
	If yes, please specify which country _____		
5d.	Do you own, or have you ever owned, any heritable property in Scotland?	☐	☐
5e.	Do you own, or have you ever owned, heritable property in any country other than Scotland?	☐	☐
	If yes, please specify which country _____		

Q6a. Tick 'yes' if you have been served with a **Charge for Payment**. This is a legal document giving you a last chance to pay your debt. If you are unsure, check any papers you have been served with. The words "Charge for Payment" will be written at the top. **If you tick 'yes', you have to enclose the Charge for Payment with this application.**

Q6b. Tick 'yes' if you have been served with a **Statutory Demand**. This is a legal document giving you a last chance to pay your debt. If you are unsure, check any papers you have been served with. The words Statutory Demand will be written at the top. **If you answered 'yes' you must enclose the Statutory Demand with this application.**

Q7a. Tick 'yes' if you have ever signed a **Trust Deed (TD).**

A trust deed is a formal agreement between you and an insolvency practitioner who becomes the trustee in your trust deed.

Tick 'yes' if your creditors objected to your trust deed becoming protected.

You must enclose the letter from your trustee telling you this with your application.

Q7b. Tick 'yes' if you have ever taken part in a debt payment programme (DPP) under the Debt Arrangement Scheme. Tell us if the programme has been revoked. **If you tick 'yes' you must enclose the letter advising that your DPP has been revoked.**

Tick 'yes' if a creditor has taken further action regarding one of the debts in your DPP. You must provide evidence that a creditor has taken further formal action regarding one of these debts. If you are unsure, speak to a Money Adviser.

		Yes	No
6a.	Have you been served with a Charge for Payment?	☐	☐
6b.	Have you been served with a Statutory Demand?	☐	☐
7a.	Have you ever signed a Trust Deed?	☐	☐
	Did your trust deed fail to become protected?	☐	☐
7b.	Have you ever taken part in a debt payment programme (DPP) under the Debt Arrangement Scheme? **(if 'No' got to question 8a)**	☐	☐
	If 'yes' has the programme been revoked?	☐	☐
	Has any creditor taken further action against you regarding one of the debts in your DPP?	☐	☐

Q8a. Tick 'yes' if your weekly income is less than £220.80 a week before deductions for any tax, NI contributions etc. You do not need to include any social security benefits or tax credits in this figure. You should not include any income, social security benefits or tax credits which are paid to any other member of your household, for example, your partner.

Q8b. Tick 'yes' if you receive income-based social security benefits or working tax credits **(even if this makes your total income more than £220.80).** Examples of these benefits include Income Support; Income-based Jobseekers' Allowance, Housing Benefit and Council Tax Benefit.

Q8c. Tick 'yes' if you personally receive no income or benefits. For example, if you are wholly reliant on the income of another person in your household, or if you do not receive wages, social security benefits, or any other income of your own.

Q8d. Tick 'yes' if you own all or any part of a house, land, timeshare or any other property, including business or agricultural property in Scotland or any other country. Tick 'yes' if your name is on title deeds, even if you do not personally contribute to any mortgage repayments, or if you are no longer meeting your repayments.

Q8e. Tick 'yes' if you own any items **excluding any property** worth £1,000 or more.

If 'yes', provide details of each item and their approximate value in the table provided.

Q9a. Tick 'yes' if the total value of your non-essential assets is more than £10,000. Do not include any property or land. Do not include any essential items.

Q9b. Tick 'yes' if you have any secured debts.

A secured debt is one that is owed against a particular asset, normally property or land. The asset can be taken by the person or company which gave you the loan if you do not keep up the repayments.

For example: A mortgage over a property is a secured debt.

Q9c. Tick 'yes' if you have debts of £1,500 or more. You must have total debts of £1,500 or more before you can make yourself bankrupt. This can be a single debt or a total of several debts.

		Yes	No
8a.	Is your income £220.80 or less per week?	☐	☐
8b.	Do you receive income based social security benefits or working tax credits?	☐	☐
8c.	Do you receive no personal income?	☐	☐
8d.	Do you own, either wholly or jointly any property, including property in another country?	☐	☐
8e.	Do you own any possessions worth £1,000 or more?	☐	☐

If **Yes** to this question, list each of the item(s) below:

	Item	Estimated Value
1.		£
2.		£
3.		£
4.		£
5.		£

Continue on a separate sheet if required

		Yes	No
9a.	Is the total value of your non-essential assets more than £10,000?	☐	☐
9b.	Do you have any secured debt?	☐	☐
9c.	Do you have debts of £1,500 or more?	☐	☐

Q10. Your Trustee in Bankruptcy

- Your trustee is the person who will administer your bankruptcy.
- Your trustee will be the Accountant in Bankruptcy or you may choose to nominate an insolvency practitioner.
- The duties of the trustee will be the same no matter who it is.
- If you want an insolvency practitioner to be your trustee, they must complete and sign a Form 13.

Tick 'yes' if you wish to nominate an insolvency practitioner to be your trustee.

		Yes	No
10.	Do you wish to nominate an insolvency practitioner to be your trustee	☐	☐

If 'yes', print the insolvency practitioner's name and address in the box below.

Name:	
Address:	
Town:	
County:	
Postcode:	

(if you have chosen an insolvency practitioner ensure that form 13 is completed and returned with this application)

NOW SIGN THIS FORM

I certify that the information I have supplied in Form 9 is true, complete and accurate to the best of my knowledge and belief.

I have read and understood the warning below.

Signature:_____ Date:_____

Warning:

WARNING
It is a criminal offence under section 67(1) of the Bankruptcy (Scotland) Act 1985 for you to make a false statement in this form in relation to your assets or business or financial affairs, unless you 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 fine of up to £5,000 or to imprisonment for a maximum period of three 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

Form 10

DEBTOR APPLICATION WITH CONCURRENCE

Q1. Enter the title you are known by (Mr, Mrs etc), your surname and your first name. If you have middle names, enter these after your first name.

If you are, or have been, known by any other first name or surname, please enter details.

Q2. Enter your date of birth in the order – day, month and year. Use 2 digits for the day and the month: 4 digits for the year, for example, 10/07/1975.

Q3. Enter your full address. Make sure that you put the town and postcode on their correct lines.

Enter your full telephone number including the STD (area) code.

Enter your mobile phone number if you have one.

Enter your e-mail address if you have one. This will help us to get in touch with you quickly if we need to.

1.	Title: (Mr/Mrs/etc)	
	Surname:	
	First and middle Names:	
	Any other names You are, or have been, Known as:	
2.	Date of birth (DD/MM/YYY)	
3.	Home address: (house name, street etc)	
	Town	
	County	
	Postcode	
	Telephone (including STD code)	
	Mobile	
	E-mail address	

Q4. If you have moved house within the last 3 years provide details of any previous addresses - use another sheet if necessary.

If you have obtained credit at any other address in the last 3 years, **even if you didn't live there**, provide details of these addresses. Use another sheet if necessary.

Q5a. Tick 'yes' if you have ever been made bankrupt in Scotland before.

Q5b. Tick 'yes' if you have ever been made bankrupt (or the equivalent) anywhere outside Scotland.

Q5c. Tick 'yes' if you have, or have ever had, a business in Scotland or elsewhere. If 'yes', tell us where this was, for example, England, Spain, USA.

Q5d. Tick 'yes' if you own, or have ever owned, any heritable property in Scotland. This includes all or any part of a house, land, timeshare or any other property, including business or agricultural property.

Q5e. Tick 'yes' if you own, or have ever owned any heritable property in any country other than Scotland. This includes all or any part of a house, land, timeshare or any other property, including business or agricultural property.

If you ticked 'yes', tell us where this is or was.

4.	Previous address: (house name, street etc)	
	Town	
	County	
	Postcode	

		Yes	No
5a.	Have you been made bankrupt in Scotland before?	☐	☐
5b.	Have you been made bankrupt (or the equivalent) in any other country?	☐	☐
5c.	Have you, or have you ever had, a business in Scotland or any other country?	☐	☐
	If yes, please specify which country _____		
5d.	Do you own, or have you ever owned, any heritable property in Scotland?	☐	☐
5e.	Do you own, or have you ever owned, heritable property in any country other than Scotland?	☐	☐
	If yes, please specify which country _____		

Q6a. You must enter the full name of your concurring creditor.

Q6b. Enter the address of the individual **or** firm **or** company that is acting as your concurring creditor. Make sure that you put the town and postcode on their correct lines.

Q6c. Enter the total amount of money you owe to your concurring creditor. You must owe your concurring creditor £1,500 or more. If you owe this concurring creditor less than £1,500, you will need to get one or more of your other creditors to concur in your application as well until the total you owe them all is £1,500 or more.

Q7. A concurring creditor must complete this section to confirm that they concur in this application.

If your concurring creditor is a business, the person who signs this form on behalf of the business must have authority to represent the business and must state their relationship or position, e.g. owner, partner, director.

A concurring creditor must also complete Form 2 (Oath by Creditor).

6a.	Name of concurring creditor:	
6b.	Address: (building name, street etc)	
	Town	
	County	
	Postcode	
6c.	How much do you owe this creditor?	£

7. **The concurring creditor must complete this section**

I am the creditor identified above

I am owed the sum specified by oath in form 2

I have read the notes on the previous page

I concur in this application

_____ (signed)

_____ (status)

_____ (date)

Q8. Your Trustee in Bankruptcy

- Your trustee is the person who will administer your bankruptcy.
- Your trustee will be the Accountant in Bankruptcy or you may choose to nominate an insolvency practitioner.
- The duties of the trustee will be the same no matter who it is.
- If you want an insolvency practitioner to be your trustee, they must complete and sign a Form 13.

Tick 'yes' if you wish to nominate an insolvency practitioner to be your trustee.

		Yes	No
8.	Do you wish to nominate an insolvency practitioner to be Your trustee	☐	☐

If 'yes', print the insolvency practitioner's name and address in the box below.

Name:	
Address:	
Town:	
County:	
Postcode:	

(if you have chosen an insolvency practitioner, ensure that Form 13 is completed and returned with this application)

NOW SIGN THIS FORM

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 below.

Signature:_____ Date:_____

Warning:

WARNING
It is a criminal offence under section 67(1) of the Bankruptcy (Scotland) Act 1985 for you to make a false statement in this form in relation to your assets or business or financial affairs, unless you 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 fine of up to £5,000 or to imprisonment for a maximum period of three 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.

Form 11

DEBTOR APPLICATION (TRUST, PARTNERSHIP Etc.)

Q1. Enter the full name of the entity.

Q2. Enter the type of entity it is, for example, trust, partnership etc.

Q3. Enter the address of the entity. Make sure you put the town and postcode on their correct lines.

Q4. Enter the contact telephone number for the entity including the STD (area) code.

Enter the entity's e-mail address if it has one.

Q5. Enter the title you are known by (Mr, Mrs etc), your surname and your first name. If you have middle names, enter these after your first name.

Q6. Enter your full address. Make sure that you put the town and postcode on their correct lines.

Q7. Enter your full telephone number including the STD (area) code.

Enter your mobile phone number if you have one.

Enter your e-mail address if you have one. This will help us to get in touch with you quickly if we need to.

Q8. Enter your relationship to the entity, for example, trustee in the trust estate, partner in the partnership, person authorised to act on behalf of a body corporate or incorporate body etc.

1.	Name of entity	
2.	Type of entity	
3.	Address of entity	
	Town	
	County	
	Postcode	
4.	Contact phone number for entity	
	Entity's e-mail address	

5.	Your title: (Mr/ Mrs/ etc)	
	Surname	
	First and middle names	
6.	Home address: (house name, street etc)	
	Town	
	County	
	Postcode	
7.	Telephone (including STD code)	
	Mobile	
	e-mail address	

8.	Your relationship to the entity being made bankrupt.	

Q9. If the entity has moved premises within the last 3 years provide details of any previous addresses. Use another sheet if necessary.

Q10. If the entity has obtained credit at any other address in the last 3 years provide details of these addresses. Use another sheet if necessary.

Q11. Answer 'yes' if the entity ever had a business address or traded anywhere outside of Scotland. If 'yes', provide details

Q12. Answer 'yes' if the entity is subject to any insolvency proceedings in any country outside of Scotland. If 'yes', provide details

9.	Previous address: (building name, street etc)	
	Town	
	County	
	Postcode	
10.	Other address where the entity has obtained credit. (building name, street etc)	
	Town	
	County	
	Postcode	

11. Has the entity ever had a business address or traded anywhere outside of Scotland?

Yes ☐ No ☐

If 'yes' please provide details

12. Has the entity subject to any insolvency proceedings in any country outside of Scotland?

Yes ☐ No ☐

If 'yes' please provide details

Q13a. You must enter the full name of the concurring creditor.

Q13b. Enter the address of the individual **or** firm **or** company that is acting as the concurring creditor. Make sure that you put the town and postcode on their correct lines.

Q13c. Enter the total amount of money the entity owes to the concurring creditor. The entity must owe concurring creditors at least £1,500. **If the entity owes the first concurring creditor less than £1,500, you will need to get one or more of the entity's other creditors to concur in your application until the total the entity owes them all is £1,500 or more.**

Q14. A concurring creditor must complete this section to confirm that they concur in this application.

If your concurring creditor is a business, the person who signs this form on behalf of the business must have authority to represent the business and must state their relationship or position, e.g. owner, partner, director.

A concurring creditor must also complete Form 2 (Oath by Creditor).

13a.	Name of concurring creditor:	
13b.	Address: (building name, street etc)	
	Town	
	County	
	Postcode	
13c.	How much does the entity owe this creditor?	£

14. **The concurring creditor should complete this section**

I am the creditor identified above

I am owed the sum specified by oath in form 2

I have read the notes on the previous page

I concur in this application

_____ (signed)

_____ (status)

_____ (date)

Q15. The trustee in bankruptcy

- The trustee is the person who will administer the bankruptcy.
- The trustee will be the Accountant in Bankruptcy or you may choose to nominate an insolvency practitioner to be trustee.
- The duties of the trustee will be the same no matter who it is.
- If you want an insolvency practitioner to be the trustee, they must complete and sign a Form 13.

Tick 'yes' if you wish to nominate an insolvency practitioner to be the trustee.

		Yes	No
15.	Do you wish to nominate an insolvency practitioner to be your trustee	☐	☐

If 'yes', print the insolvency practitioner's name and address in the box below.

Name:	
Address:	
Town:	
County:	
Postcode:	

(if you have chosen an insolvency practitioner, ensure that Form 13 is completed and returned with this application)

NOW SIGN THIS FORM

I certify that the information I have supplied in Form 11 is true, complete and accurate to the best of my knowledge and belief.

Signature:_____ Date:_____

Form 12

STATEMENT OF ASSETS AND LIABILITIES FOR DEBTOR APPLICATION

Bankruptcy (Scotland) Act 1985: Section 5(6A)

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.

Q4. Enter details of any bank accounts in your name, including joint accounts and accounts held in trust. Continue on a separate page if required.

Income

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

4. 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**

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.

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.

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.

5. Investments

Type of investment	Name of company	Reference number

6. Non-essential possessions

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

7. Property

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

(Continue on a separate sheet if required)

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.

8. Unsecured debts (specify unsecured debts due by you)

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

(Continue on a separate sheet if required)

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.

9. Secured debts

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

NOW SIGN THIS FORM

I certify that the information I have supplied in Form 12 is true, complete and accurate to the best of my knowledge and belief.

I have read and understood the warning below.

Signature:_____ Date:_____

WARNING

It is a criminal offence under section 5(9) of the Bankruptcy (Scotland) Act 1985 for you, unless you can show that you had a reasonable excuse, to:

(A) **Fail, to send this statement with an application for his bankruptcy, to the Accountant in Bankruptcy on the day the application is made.**

(B) **Fail to disclose any material fact in this statement; or**

(C) **Make a material misstatement in this statement,**

On summary conviction you may be liable to fine of up to £5,000 or to imprisonment for a maximum period of three 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

Form 13

Form of undertaking to act as trustee in sequestration on the application of a debtor

Bankruptcy (Scotland) Act 1985

Note

This form should be completed by an insolvency practitioner if–

(a) a debtor applies for an award of sequestration under section 5(2)(a) of the Bankruptcy (Scotland) Act 1985,

(b) the debtor nominates the insolvency practitioner to act as the trustee in sequestration, and

(c) the insolvency practitioner undertakes to so act.

Undertaking

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

being qualified to act as an insolvency practitioner as defined by section 390 of the Insolvency Act 1986, and being a member of (insert name of authorising body)

_____,

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 _____

Document Generated: 2023-05-25

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Form 14

Form of Schedule of Award of Sequestration on Application by Debtor

Bankruptcy (Scotland) Act 1985, section 12(1)

Debtor's Name (or name of other entity entitled to apply under section 6 of the Bankruptcy (Scotland) Act 1985)	Debtor's Address	Postcode	Accountant in Bankruptcy Case Reference Number	Trustee's Name and Address

I__62_____ (insert name) _____ (insert status)
certify that each of the above named

- Has applied for their sequestration
- The application meets all the conditions specified in section 12(1) of the Bankruptcy (Scotland) Act 1985 and in Regulations

Signed _____ (insert date) _____

I award sequestration to each of the above named
Signed _____ *Accountant in Bankruptcy/Depute Accountant _____ (insert date)
*delete as appropriate

Form 15

Form of Refusal of Award of Sequestration

Bankruptcy (Scotland) Act 1985, section 12(1)

Certificate

I certify that

_____ (Insert debtor's name, or name of other entity entitled to apply under section 6 of the Bankruptcy (Scotland) Act 1985)

_____

_____ (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 1985 and Regulations for the following reason

_____
_____
_____

*The debtor has not met any of the following conditions set out in section 5(2A) and (2B) of the Bankruptcy (Scotland) Act 1985

- No qualified creditor or creditors have concurred in the application
- The debtor is not apparently insolvent as defined in section 7 of that Act
- The debtor is not a low income, low asset debtor as defined in section 5A of that Act
- The debtor's creditors have not prevented the protection of a trust deed granted by the debtor

*The debtor does not owe total debts of at least £1,500.

*An award of sequestration was made against the debtor on _____ (insert date) within the period of 5 years preceding the date of application.

*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

Form 16

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

Bankruptcy (Scotland) Act 1985, section 14(1A)

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.

Regulation 15(3)

Form 17

Statutory Declaration of Low Income and Low Assets

Bankruptcy (Scotland) Act 1985, section 5A

Part 1 (to be completed by the Accountant in Bankruptcy)

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

	Case Reference Number

This form should be returned to the Accountant in Bankruptcy by

	Insert date (21 days after date sent to debtor)

An award of bankruptcy may be refused if this form is not returned by the date shown above.

Part 2 (to be completed by the debtor)

Please read the notes printed overleaf

I certify that (please tick all that apply)

☐ I am in receipt of income support, income-based jobseekers' allowance, working tax credit,
housing benefit, or council tax benefit.

☐ My weekly income before tax does not exceed the standard national minimum wage for a 40 hour working week (currently £220.80 per week)

☐ I do not have any non-exempt assets worth more than £1,000. (There is a list of exempt assets overleaf).

☐ The total value of my non-exempt assets is not more than £10,000.

☐ I do not own or jointly own a house or any other heritable property.

Warning:

You may be committing a criminal offence if you make a false declaration. The penalty for committing such an offence, on summary conviction, may be a fine of up to £5000 or imprisonment for up to 3 months or both.

You may also be liable to bankruptcy restrictions.

_____ (signature)

_____ (full name)

_____ (date)

Notes

1. The Accountant in Bankruptcy will send this form to a debtor who has applied for an award of sequestration under section 5(2B)(c)(ia) of the Bankruptcy (Scotland) Act 1985 where it appears that the conditions prescribed under section 5A of that Act are satisfied.

2. The debtor should complete and return this declaration within 21 days of the date of issue. The Accountant in Bankruptcy may refuse to award sequestration on the grounds that this form has not been completed.

3. Where an award is made on the basis of a statutory declaration the Accountant in Bankruptcy will be deemed to be appointed as the trustee in the sequestration.

4. The following assets are exempt and are not considered for the purposes of this declaration if they are reasonably required by the debtor or a member of their household:

Clothes,

Medical equipment,

Things needed for the care and upbringing of children,

Children's toys,

Beds and bedding,

Household linen,

Chairs or settees,

Tables,

Food,

Lights or light fittings,

Heating appliances,

Curtains,

Floor coverings,

Furniture, equipment or utensils used for storing, cooking or eating food,

Refrigerators,

Materials for cleaning clothes or the house,

Furniture for storing clothes, bedding, linen, cleaning stuff and cooking utensils,

Anything used for safety in the debtor's home,

Tools to maintain and repair the home and the things in it,

Computers and accessory equipment,

Microwave ovens,

Radios,

Telephones, and

Televisions.

Form 18

Report to the Accountant in Bankruptcy where no statutory meeting called

Bankruptcy (Scotland) Act 1985 section 21B(1)

Report

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 report to the Accountant in Bankruptcy that I have intimated to the creditors my intention not to call a statutory meeting in terms of section 21A(2) of the Bankruptcy (Scotland) Act 1985.

I further report that I have not received a request or requests to call such a meeting from at least one quarter in value of the debtor's creditors.

A copy of

*the trustee's statement of the debtor's affairs

*the trustee's inventory and valuation of the debtor's estate

*is attached

*was sent to the Accountant in Bankruptcy on _____ (insert date)

Signed _____ (trustee)

Date _____

* delete as appropriate

Notes

The trustee in sequestration is required to report on the circumstances of the sequestration 7 days after the issue of a notice intimating to all creditors known to him that he does not intend to call a statutory meeting and the trustee has not received a request or requests for a meeting from at least one quarter in value of creditors.

The trustee should attach *either*

(1) a statement of the debtor's affairs completed in accordance with section 20(1) of the Bankruptcy (Scotland) Act 1985 *or*

(2) an inventory and evaluation of the debtor's estate completed in accordance with section 38(1)(c) of the Bankruptcy (Scotland) Act 1985

Unless such a document has previously been sent to the Accountant in Bankruptcy in respect of the sequestration

Form 19

Application to resign from office as Trustee in Sequestration

Bankruptcy Scotland Act 1985, section 28(1)

Note

Section 28(1) of the Bankruptcy (Scotland) Act 1985 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

Form 20

Income Payment Agreement

Bankruptcy Scotland Act 1985, section 32(4B)

Part 1 (to be completed by the debtor)

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

agree to pay £_____ (amount of contribution)

each *week/month

from _____ (start date)

until _____ (end date)

to

*the Accountant in Bankruptcy

* _____(name of trustee)

*out of income due to be paid to me by _____ (name of employer) as specified in part 2 of this form.

*by standing order from the bank account specified in part 3 of this form

I agree to the review of this agreement on _____ (date of review).

I have read the attached notes.

Signed _____ (debtor)

Date _____.

*delete as appropriate

Part 2 (Section A to be completed by the debtor where contributions are to be paid by the employer out of earnings, section B to be completed by the trustee)

Details of Employer

A. To be completed by the debtor

	Insert name of company or firm
	Business address
	Town
	County
	Postcode
	Business phone number
	Employment reference number

I authorise my employer to deduct from my earnings on each pay day (as defined in note 15 below) the sums specified in Part 1 of the Form for the period there specified or until recall of this instruction if earlier, and to pay those sums to the account specified below quoting the trustee's reference.

Signed _____ (debtor)

Date _____.

Now send this form to your trustee

B. To be completed by the trustee

	Name of payee (the trustee)
	Business address of payee
	Bank and branch to which payment is to be made
	Address of bank to which payment is to be made
	Account number
	Sort code

	Trustee's Reference

Part 3 (section A to be completed by the debtor if contributions are not to be paid by the employer out of earnings, section B to be completed by the trustee)

Bank or Building Society Account

A. To be completed by the debtor

	Bank and branch from which payment is to be made
	Address of bank from which payment is to be made
	Insert name of account to be debited
	Account number
	Sort code

Please make payments as specified in the schedule above to the account specified below quoting the trustee's reference, and debit *my/our account. Payment to continue until the date specified above unless you receive further notice in writing. This instruction cancels any previous order in favour of the payee.

Signed _____ (debtor)

Date _____.

*delete as appropriate

Now send this form to your trustee

B. To be completed by the trustee

	Name of payee (the trustee)
	Business address of payee
	Bank and branch to which payment is to be made
	Address of bank to which payment is to be made
	Account number
	Sort code

	Trustee's Reference

Part 4 (to be completed by the trustee)

I,	Insert name

Agree to the payment plan proposed in Part 1 of this form *on behalf of

* delete if trustee is personally signing the agreement

	Insert name of trustee or Accountant in Bankruptcy
	Insert trustee's address
	Town
	County
	Postcode

Signed _____ (trustee or representative)

Date _____.

Notes

1. Section 32 of the Bankruptcy (Scotland) Act 1985 allows your trustee to seek a contribution from your surplus income. This is known as an Income Payment Agreement (IPA) or an Income Payment Order (IPO).

2. You are expected to pay a contribution out of what is left of your income after you have paid for the essential things you need to maintain your house and support yourself and your family. You will be expected to sign and comply with the terms of an IPA. If you cannot agree how much you should pay, your trustee can apply to the sheriff for an IPO, instructing you how much you have to pay. You may be committing a criminal offence if you do not comply with the terms of an IPO.

3. You cannot be asked to make a payment out of your social security benefits but if you have other income then your social security benefits may be taken into account when calculating how much you can afford to pay out of your other income.

4. You have a duty to cooperate with your trustee and to provide details of your income and expenditure. If you do not cooperate, your trustee can seek a court order against you and ask the sheriff to defer your date of discharge from bankruptcy.

5. An IPA cannot be made after the date you are discharged from bankruptcy.

6. An IPA can last for 3 years from the date it begins even if this continues past the date of your discharge.

8. This agreement may be varied if you and your trustee agree in writing.

9. If you and your trustee cannot agree, you both have the right to ask the sheriff to vary the IPA.

10. Another interested party (for example, one of your creditors) can also ask the sheriff to vary the IPA.

11. You can agree for a third party (for example, an employer) to make payments direct to your trustee out of money that they are due to pay to you. If you agree to payments direct from your earnings you should complete the authorisation for your employer to make deductions in section A of the mandate in Part 2 of this form.

12. If you do not agree to a direct payment from your employer you must complete section A of the mandate in Part 3 of this form to allow a contribution to be made from your bank account.

13. If you do not keep to this agreement, your trustee can apply to the sheriff for an IPO (see note 2 above) even if this is after the date of your discharge from bankruptcy.

14. The first payment under this agreement will not be collected until at least 14 days after the date you sign it. This allows you a chance to contact your trustee if you think that the agreement should be altered after you have signed it.

15. "pay day" means any day on which your employer pays earnings to you, except that the first pay day must be at least 14 days after date on which you sign this form.

Regulation 19(1)

Form 21

Notice of Abandonment of Heritable Property by Trustee in Sequestration

Bankruptcy (Scotland) Act 1985 section 32(9A)

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)

The trustee certifies–

1. That the debtor's sequestrated estate included *his/her interest in the heritable property known as and forming (and hereafter referred to 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 he 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.

*3A. 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).

4. That no statement herein affects the trustee's right to funds received by the debtor prior to *his/her discharge under Section 54(1) of the Bankruptcy (Scotland) Act 1985.

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

Signed _____ (trustee)

Date _____

* delete as appropriate

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. 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 3A should be deleted if no payment was received in consideration of the subjects.

Regulation 19(2)

Form 22

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

Bankruptcy (Scotland) Act 1985 section 32(9A)

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

on _____ (insert date of appointment).

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

The Accountant in Bankruptcy certifies–

1. That the debtor's sequestrated estate included *his/her interest in the heritable property known as and forming (and hereafter referred to 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 he 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.

*3A. 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).

4. That no statement herein affects the trustee's right to funds received by the debtor prior to *his/her discharge under Section 54(1) of the Bankruptcy (Scotland) Act 1985.

5. 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 2(1B) or (2) of the Bankruptcy (Scotland) Act 1985, 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 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. 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 3A should be deleted if no payment was received in consideration of the subjects.

Regulation 20

Form 23

Debtor 146 s Account of Current State of Affairs

Bankruptcy (Scotland) Act 1985 section 43A(2)

SEQUESTRATION OF: _____ CASE REF: _____

WARNING TO THE DEBTOR

It is a criminal offence under section 32(7) of the Bankruptcy (Scotland) Act 1985 for you to fail to notify your trustee of any assets acquired by you after the date of your bankruptcy and before the date of your discharge.

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

CERTIFICATION

Insert Name	
Insert Address	
Town	
County	
Postcode	
Telephone Number	

I have stated 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 then I may be subject to prosecution.

I certify that the details contained in the document are true, complete and accurate to the best of my knowledge and belief.

Signature of Debtor:_____ Date:_____

Notes on the completion of FORM 23

General Advice

Please ensure that all answers are legible and in ink.

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 to the back of the 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 (top line) from your payslip.

(d) Advise if your employer is aware of your sequestration.

If you have more than one job please complete details on a separate sheet.

Q 2. Provide details of the type of benefits you receive, e.g. Income Support, Job-seekers Allowance, Disability Living Allowance, and Working Tax Credits.

Your should also specify the amount and how often you are paid (weekly / fortnightly / monthly / 4 weekly)

Q 3. (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

1. Individuals in employment:

(a) Occupation: .....

(b) Tax & National Insurance deducted by employer: YES/NO

(c) Gross Income (before deductions) £ .....

(d) Is your Employer aware of your sequestration 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.

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

Benefit(s) claimed:

Type of benefit	Amount Received	Frequency
.....	.....	……
.....	.....	……
.....	.....	……
.....	.....	……

3. Individuals who are self-employed:

(a) Occupation: .....

(b) Average income Weekly/monthly/other (gross) £ .....

(c) Are you paying National Insurance Contributions: YES/NO?

Q 4 (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 payment received. **Attach any documentation relating to the payment and return it with this form.**
Q 5.	Provide Details of **ALL** bank accounts you hold, including details of the name of your bank, the branch, account type, account number and the current balance.

4. Income other than from Employment / Benefits

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

If YES, please provide details:

Income Type	Amount Received	Frequency
.....	.....	……
.....	.....	……
.....	.....	……
.....	.....	……

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

If YES, please provide details:

Income Type	Amount Received	When received
.....	.....	……
.....	.....	……
.....	.....	……
.....	.....	……

5. Details of bank or savings account(s) operated by you:

Name of Bank	Branch	Account Type (current/basic/savings)	Account Number	Balance (£)
……	……	……	……	……..
……	……	……	……	……..
……	……	……	……	……..

(If required, continue on separate sheet)

Q 6. You must tell us if your spouse/partner and any other relevant persons living in your household have income of any kind (including earned income, pensions or income-related Social Security benefits). It will be assumed that they contribute an equal share towards the cost of running your household, unless you provide details of each person's contribution.

You must complete the table outlining the **entire household costs**.

6. Details of Expenditure

Provide details of your household expenditure below.

Are there any other adults living in the house who have an income? YES/NO?

If yes, how many adults? ___

Outgoings	Amount (£)	Monthly / Weekly / Other
Rent / Mortgage		
Electricity		
Gas		
Telephone/Mobile		
Council Tax		
Insurance (e.g. house contents & car etc.)		
Food		
Clothing		
Transport		
Child Support Maintenance		
Contribution to bankruptcy		
Others (Specify)		
TOTAL EXPENDITURE		

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations re-enact with modifications regulations 6, 7, 8, 10, 11 and 12 of the Bankruptcy (Scotland) Regulations 1985 (S.I.1985/1925) and revoke the remaining regulations of those Regulations.

Regulation 12 sets out the time limits within which a debtor must be given a Debt Advice and Information Pack prior to lodging a petition for sequestration.

Regulation 13 increases from £750 to £1500 the amount of debt a creditor must be owed to establish 'apparent insolvency' by an expired statutory demand.

Regulation 14 sets out procedures for debtor applications to the Accountant in Bankruptcy for sequestration, as introduced by the Bankruptcy and Diligence (Scotland) Act 2007 and regulation 15 makes provision in relation to such applications in the case of low income/low asset debtors.

Regulations 16, 17, 18, 19 and 20 prescribe forms in respect of various procedures.