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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 295**

**The Bankruptcy (Applications and  
Decisions) (Scotland) Regulations 2016**

**PART 3**

Specific applications

**Recall of sequestration by Accountant in Bankruptcy**

**9.—**(1) Where the statement of the debtor's affairs is not submitted in accordance with section 32(3)(a) of the Act (recall where the only ground is that the debtor has paid or is able to pay debts in full), the application is not to be considered by AiB until it is submitted.

(2) Where paragraph (1) applies AiB may make inquiries under regulation 7.

(3) AiB must send to the persons listed in section 31(2) of the Act a copy of AiB's decision under section 34(1) or 35(6) of the Act.

(4) AiB must send with any notification under section 35(2) of the Act (recall where the only ground is that debtor has paid or is able to pay the debtor's debts in full: AiB acting as trustee)—

- (a) a statement of the debtor's affairs; and
- (b) a copy of the application for recall,

and advise the recipients of the period for making representations under section 35(5)(a) of the Act.

(5) Where AiB gives notification under section 35(2) of the Act, AiB must also notify any other interested person, informing the recipient that the person has the right to make representations to AiB in relation to the application within 21 days beginning with the day on which the notice is given.

(6) Where recall is under consideration (including on a review application), and sequestration is recalled by AiB, AiB must at that time consider whether to revoke under section 161(4) of the Act any bankruptcy restrictions order (or interim order) in effect in relation to the debtor.

(7) Where an original recall decision is amended or revoked on review, AiB must send a certified copy of the revised decision to the Keeper of the Register of Inhibitions for recording in that register.