
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 313

Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016

CHAPTER 6

PETITIONS FOR SEQUESTRATION

Form of petition for sequestration

- 6.1.**—(1) A petition for sequestration is to be made in Form 6.1–A.
(2) An undertaking for the purposes of section 51(1) or (6) of the 2016 Act is to be in Form 6.1–B.

Debt payment programmes and moratorium on diligence

- 6.2.**—(1) This rule applies where a creditor is petitioning for sequestration on the ground of the debtor's apparent insolvency.
(2) The petitioner must, when lodging the sequestration petition, lodge a statement in Form 6.2.

Citation of debtor

- 6.3.**—(1) A debtor is cited for the purposes of section 22(3) of the 2016 Act by serving the documents mentioned in paragraph (2) in accordance with rules 6.4 to 6.6.
(2) Those documents are—
(a) a citation in Form 6.3–A;
(b) a copy of the petition for sequestration;
(c) a copy of the warrant of citation.
(3) The petitioner must lodge a certificate of citation in Form 6.3–B no later than 2 days before the date on which the debtor has been cited to appear.

Service by sheriff officer

- 6.4.**—(1) Where the debtor is of a type mentioned in the first column of the following table, a sheriff officer may effect service of the documents referred to in rule 6.3(2) by the method specified in the second column—

<i>Debtor</i>	<i>Method of service</i>
Living individual	Giving the document personally to the individual
Deceased individual	Giving the document personally to an executor or a person entitled to be appointed as executor
Trust	Giving the document personally to the individual trustees (if known)
Partnership or limited partnership	(a) Giving the document personally to the individual partners (if known); and

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<i>Debtor</i>	<i>Method of service</i>
	(b) leaving the document in the hands of an employee, agent or representative at the place of business of the partnership
Dissolved partnership or dissolved limited partnership	Giving the document personally to the individual partners (if known)
Body corporate or unincorporated body	(a) Giving the document personally to a senior official (if known); and (b) leaving the document in the hands of an employee, agent or representative at the place of business of the entity

(2) The sheriff officer is to be accompanied by a witness.

(3) Section 3 of the Citation Amendment (Scotland) Act 1882(1) does not apply to a document that is to be served in accordance with this rule.

Service furth of Scotland

6.5. Where a person mentioned in the second column of the table in rule 6.4(1) is furth of Scotland, service on that person is to be effected in accordance with schedule 3.

Authority to serve by other means

6.6.—(1) A petitioner may apply to the sheriff for authority to serve a document by a method other than those specified in rule 6.4 or 6.5.

(2) That application is to be made—

- (a) by crave in the petition, where authority is sought at the time of lodging the petition; or
- (b) by motion, where authority is sought at any other time.

(3) Where the sheriff grants the application, the sheriff may authorise the petitioner to effect service by any method that the sheriff thinks fit.

Intimation of appointment of trustee

6.7.—(1) This rule applies where the sheriff appoints a person to be—

- (a) the trustee in a sequestration under section 51 of the 2016 Act;
- (b) an interim trustee under section 54 of the 2016 Act;
- (c) a new interim trustee under section 55 of the 2016 Act.

(2) The sheriff clerk must, without delay, intimate that appointment to—

- (a) the person appointed; and
- (b) AiB, unless AiB is the person appointed.