

Changes to legislation: Bankruptcy (Scotland) Act 2016, SCHEDULE 5 is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 5

(introduced by section 210(3))

INFORMATION TO BE INCLUDED IN THE SEDERUNT BOOK

1 A copy of the debtor application made under section 2(1)(a).

Commencement Information

I1 Sch. 5 para. 1 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

2 A copy of the petition presented under section 2(1)(b).

Commencement Information

I2 Sch. 5 para. 2 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

3 Where the trustee is AiB, a copy of the statement of assets and liabilities sent to AiB in accordance with section 8(3)(a).

Commencement Information

I3 Sch. 5 para. 3 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

^{F1}3A.

Textual Amendments

F1 Sch. 5 para. 3A omitted (31.12.2020) by virtue of [The Insolvency \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/94\)](#), regs. 1, **4(18)** (with [reg. 9](#)) (as amended by [S.S.I. 2020/337](#), regs. 1, 2); 2020 c. 1, Sch. 5 para. 1(1)

4 A copy of the award of sequestration under section 22(1) or (5).

Commencement Information

I4 Sch. 5 para. 4 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

5 A copy of the warrant to cite the debtor granted under section 22(3).

Commencement Information

I5 Sch. 5 para. 5 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

6 Where the trustee is not AiB—

- (a) the audited accounts sent to the trustee by AiB in accordance with section 56(5)(d), and
- (b) the determination fixing the amount of the outlays and remuneration payable to the interim trustee sent to the trustee by AiB in accordance with that section.

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Commencement Information

I6 Sch. 5 para. 6 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

- 7 Where the trustee is AiB—
- (a) the accounts audited by AiB in accordance with section 56(5)(a), and
 - (b) the determination, issued in accordance with section 56(5)(b), fixing the amount of the outlays and remuneration payable to the interim trustee.

Commencement Information

I7 Sch. 5 para. 7 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

- 8 Where AiB is appointed interim trustee and the sheriff awards sequestration in accordance with section 58(1)(a)—
- (a) the accounts of AiB's intromissions (if any) with the debtor's estate, and
 - (b) the determination of AiB's fees and outlays calculated in accordance with regulations under section 205.

Commencement Information

I8 Sch. 5 para. 8 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

- 9 A copy of—
- (a) an order—
 - (i) recalling or refusing to recall an award of sequestration by the sheriff under section 30, and
 - (ii) sent to the trustee under subsection (9)(b)(ii) of that section, or
 - (b) a grant of (or a refusal to grant), under section 34(1), 35(6) or 37, recall of an award of sequestration.

Commencement Information

I9 Sch. 5 para. 9 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

- 10 A copy of an order under section 114(3)(b) or 115(3)(b) sent to the trustee under section 30(9)(b).

Commencement Information

I10 Sch. 5 para. 10 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

- 11 Where the trustee is a replacement trustee appointed under section 60—
- (a) a copy of the audited accounts, and determination, sent under section 63(5)(c)(ii),
 - (b) on that appointment, such information as is appropriate to provide a record of the sequestration process before that appointment (except that no entry is to be made in relation to any written comments made by the original trustee under section 42(3)(c)), and

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- (c) an entry recording a certificate of discharge issued to the original trustee under section 65.

Commencement Information

I11 Sch. 5 para. 11 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 12 Where the trustee is not AiB, a copy of a statement of assets and liabilities sent to the trustee under section 41(1) or (2).

Commencement Information

I12 Sch. 5 para. 12 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 13 A copy of a notice given under section 44(3).

Commencement Information

I13 Sch. 5 para. 13 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 14 Where the trustee is not AiB, a copy of a report made under section 45(1).

Commencement Information

I14 Sch. 5 para. 14 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 15 Where the trustee is a replacement trustee appointed under section 60 and AiB was the original trustee, on that appointment, such information as is appropriate to provide a record of the sequestration process before that appointment.

Commencement Information

I15 Sch. 5 para. 15 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 16 A copy of an initial proposal for the debtor's contribution provided by the trustee under section 90(1)(b).

Commencement Information

I16 Sch. 5 para. 16 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 17 A copy of a debtor contribution order applying to the debtor.

Commencement Information

I17 Sch. 5 para. 17 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 18 A copy of a decree issued under section 98 affecting the sequestrated estate.

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Commencement Information

I18 Sch. 5 para. 18 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

19 A copy of a decree of recall issued following an application under section 100(2).

Commencement Information

I19 Sch. 5 para. 19 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

20 A copy of a decree under section 99 affecting the sequestrated estate.

Commencement Information

I20 Sch. 5 para. 20 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

21 The inventory and valuation of the estate, made up and maintained in accordance with section 108(1)(b).

Commencement Information

I21 Sch. 5 para. 21 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

22 A copy of an account given by the debtor under section 116(2).

Commencement Information

I22 Sch. 5 para. 22 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

23 The debtor's deposition at an examination subscribed under section 121(6).

Commencement Information

I23 Sch. 5 para. 23 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

24 A copy of the record of an examination sent to AiB under section 121(7).

Commencement Information

I24 Sch. 5 para. 24 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

25 An appropriate entry in relation to the production of any document to the trustee in accordance with section 125(2), stating the date when it was produced to the trustee.

Commencement Information

I25 Sch. 5 para. 25 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

26 Where the trustee accepts or rejects a claim under section 126, the decision on the claim, specifying—

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- (a) the amount of the claim accepted by the trustee,
- (b) the category of debt, and the value of any security, as decided by the trustee, and
- (c) if the claim is rejected, the reason.

Commencement Information

I26 Sch. 5 para. 26 in force at 30.11.2016 by [S.S.I. 2016/294, reg. 2](#)

- 27 A copy of a decision of AiB under subsection (4)(b) of section 127 and of the sheriff under subsection (5) of that section.

Commencement Information

I27 Sch. 5 para. 27 in force at 30.11.2016 by [S.S.I. 2016/294, reg. 2](#)

- 28 An agreement or determination in respect of the accounting period under section 130(3)(b)(i) or (ii).

Commencement Information

I28 Sch. 5 para. 28 in force at 30.11.2016 by [S.S.I. 2016/294, reg. 2](#)

- 29 Where the trustee is not AiB, the audited accounts, the scheme of division and the final determination in relation to the trustee's outlays and remuneration as mentioned in section 136.

Commencement Information

I29 Sch. 5 para. 29 in force at 30.11.2016 by [S.S.I. 2016/294, reg. 2](#)

- 30 A copy of the certificate of discharge given to the debtor under section 137(2), 138(2) or 143(5).

Commencement Information

I30 Sch. 5 para. 30 in force at 30.11.2016 by [S.S.I. 2016/294, reg. 2](#)

- 31 A copy of the certificate deferring discharge where the debtor cannot be traced issued under section 141(4)(b) or (6)(b).

Commencement Information

I31 Sch. 5 para. 31 in force at 30.11.2016 by [S.S.I. 2016/294, reg. 2](#)

- 32 Where AiB has acted as trustee, after making the final division of the debtor's estate—
- (a) AiB's final accounts of AiB's intromissions (if any) with the debtor's estate,
 - (b) the scheme of division (if any), and

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- (c) a determination of AiB's fees and outlays calculated in accordance with regulations under section 205.

Commencement Information

I32 Sch. 5 para. 32 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 33 Where AiB has acted as trustee and is discharged from all liability as mentioned in section 151(10), an appropriate entry in relation to such discharge.

Commencement Information

I33 Sch. 5 para. 33 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 34 A decision of the court under section 211 and of AiB under section 212.

Commencement Information

I34 Sch. 5 para. 34 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 35 A copy of a decree arbitral or, as the case may be, an appropriate entry recording the compromise referred to in section 216(1)(b).

Commencement Information

I35 Sch. 5 para. 35 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 36 The minutes of the meeting referred to in paragraphs 8 to 10 of schedule 6.

Commencement Information

I36 Sch. 5 para. 36 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 37 A copy of the minutes of a meeting sent to AiB in accordance with paragraph 25 of that schedule.

Commencement Information

I37 Sch. 5 para. 37 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 38 Where a meeting of commissioners is called in accordance with paragraph 26 of that schedule—
- (a) a record of the deliberations of the commissioners at the meeting,
 - (b) where the trustee is not clerk in accordance with paragraph 30 of that schedule, a record of the deliberations of the commissioners transmitted by the commissioner acting as clerk (such commissioner to authenticate the insertion when made), and
 - (c) in relation to any matter agreed without a meeting, the minute recording that agreement signed in accordance with paragraph 32(b) of that schedule.

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Commencement Information

I38 Sch. 5 para. 38 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

- 39 A copy of any decision (including any determination, direction, award, acceptance, rejection, adjudication, requirement, declaration, order or valuation) relating to the sequestration which is—
- (a) issued by AiB, and
 - (b) not otherwise mentioned in this schedule.

Commencement Information

I39 Sch. 5 para. 39 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

- 40 A copy of any decree, interlocutory decree, direction or order relating to the sequestration which is—
- (a) granted by the court, and
 - (b) not otherwise mentioned in this schedule.

Commencement Information

I40 Sch. 5 para. 40 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by [2019 asp 4 s. 7\(2\)\(a\)](#)
- s. 78(2)(b) and word inserted by [2019 asp 4 s. 7\(2\)\(b\)](#)