



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 1

BANKRUPTCY

Jurisdiction

16 Sequestration proceedings to be competent only before sheriff

- (1) In section 9 of the 1985 Act (jurisdiction)—
- (a) in subsection (1)—
 - (i) for “Court of Session” substitute “sheriff”; and
 - (ii) for “Scotland” substitute “the sheriffdom”;
 - (b) in subsection (2)—
 - (i) for “Court of Session” substitute “sheriff”; and
 - (ii) for “Scotland”, in both places where it occurs, substitute “the sheriffdom”;
 - (c) in subsection (3), for “Court of Session” substitute “sheriff”; and
 - (d) subsection (4) is repealed.
- (2) In section 15 of that Act (further provisions relating to award of sequestration)—
- (a) subsection (1) is repealed;
 - (b) in subsection (2)—
 - (i) for “Court of Session” substitute “sheriff”;
 - (ii) for “it”, where it first occurs, substitute “him and subject to subsection (2A) below”; and
 - (iii) the words from “from” to “remitted” are repealed;
 - (c) after subsection (2), insert—

“(2A) The debtor may, with leave of the sheriff, appeal to the sheriff principal against a transfer under subsection (2) above.”;
 - (d) in subsection (3), for “court” substitute “sheriff”; and

Status: This is the original version (as it was originally enacted).

- (e) in subsection (5), for “clerk of the court” substitute “sheriff clerk”.
- (3) In section 16 of that Act (petitions for recall), in subsection (1), for “Court of Session” substitute “sheriff”.
- (4) In section 17 of that Act (recall)—
- (a) in subsection (1)—
 - (i) for “Court of Session” substitute “sheriff”; and
 - (ii) for “it”, in the first and third places where it occurs, substitute “he”;
 - (b) in subsection (2)—
 - (i) for “Court” substitute “sheriff”; and
 - (ii) for “it” substitute “he”;
 - (c) in subsection (3)—
 - (i) for “Court” substitute “sheriff”; and
 - (ii) in paragraph (c), for “it” substitute “he”;
 - (d) in subsection (6)—
 - (i) for “Court” substitute “sheriff”; and
 - (ii) for “it”, in the second and third places where it occurs, substitute “he”;
 - (e) in subsection (7)—
 - (i) for “Court” substitute “sheriff”; and
 - (ii) for “it” substitute “he”; and
 - (f) in subsection (8), for “clerk of the court” substitute “sheriff clerk”.