



ACCOUNTANT  
IN BANKRUPTCY  
SCOTLAND'S INSOLVENCY SERVICE

## **DEBTOR APPLICATION PACK 3**

(for the bankruptcy of an entity such  
as a partnership or trust)



This publication is available on request in community language versions and alternative formats. Please contact **0845 612 6460** for this to be arranged.

अनुरोध करने पर यह प्रकाशन सामुदायिक भाषा संस्करणों एवं वैकल्पिक स्वरूपों में उपलब्ध है। ऐसी व्यवस्था करने के लिए कृपया **0845 612 6460** पर संपर्क करें।

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Tha am foillseachadh seo ri fhaotainn air iarrtas ann an cànanan coimhearsnachd agus ann an cruthan eile.  
Cuiribh fios gu **0845 612 6460** airson seo a chur air dòigh.

Aby otrzymać niniejszy dokument w innej wersji językowej, na kasecie lub w wersji z powiększonym drukiem, prosimy o kontakt: **0845 612 6460**

**We have written this booklet for general guidance only.  
It is not a detailed or full statement of the law.**

## Debtor Application Pack 3 – Form 11

### Form of debtor's application under section 6 of the Bankruptcy (Scotland) Act 1985, as amended

You should use this pack if you are applying on behalf of a trust, a partnership (including a dissolved partnership), a body corporate or an unincorporated body but not a limited company or a limited partnership (including a dissolved partnership) within the meaning of the Limited Partnership Act 1907.

You will need the agreement of a creditor.

If you are an individual applying for your own bankruptcy you should use Debtor Application Pack 1 or 2.

For ease in completing this application all of the organisations listed in the first paragraph will be referred to as 'the entity' or 'the entity being made bankrupt' as appropriate. If you are unsure about whether you have the authority to submit a debtor application for the entity being made bankrupt, you should consult section 6 of the Bankruptcy (Scotland) Act 1985, as amended or take advice.

The fee for the application is **£100**. There are no exemptions or waivers for this fee and it is not refundable. Instructions on how to make payment are on page 2.

This pack contains 4 forms as prescribed by the Bankruptcy (Scotland) Regulations 2008. These are:

- Form 11 – Debtor's application (Trusts, Partnerships etc.)
- Form 12 – Statement of Assets and Liabilities
- Form 2 – Oath by Creditor
- Form 13 – Form of undertaking to act as trustee

Forms 2, 11 and 12 must be fully completed. Only complete and return Form 13 if you **do not** wish the Accountant in Bankruptcy to administer the bankruptcy.

**Please answer ALL questions as fully and clearly as possible. You should PRINT your answers in black ink. If you do not give full information or if we cannot read your answers we may not be able to process your application. You may also lose your application fee.**

#### **The consequences of bankruptcy can be severe.**

Advice on managing debts and on whether you should apply for bankruptcy can be obtained from Citizens Advice Bureaux, Money Advice Scotland or other advice agencies. They may also be able to help you fill in this form.

**We strongly advise that you read the advice leaflet 'Debt Advice and Information Package'.** This leaflet is available from money advice centres and Citizens Advice Bureaux, and can be found on the AiB website: [www.aib.gov.uk](http://www.aib.gov.uk)

Tell us whether or not you have read 'Debt Advice and Information Package' by placing a tick (✓) in one of these boxes.

**Yes**  **No**

## Paying for your Bankruptcy Application

A payment of £100 is required to cover the cost of processing this application. The fee must be paid by all applicants. It cannot be waived and is not refundable.

### Payment by post

1. You should enclose postal orders or a cheque payable to the Accountant in Bankruptcy for the full amount. You must not post-date cheques.
2. **Please write your name and address and the name of the entity being made bankrupt on the back of the postal orders or cheque.**
3. **Do not send cash through the post.**
4. If someone else is paying for your application fee, we will accept a cheque in that person's name. **Your name and address and the name of the entity being made bankrupt must be written on the back of the cheque.**

### Payment in person

1. You can pay by cash, cheque, debit card or postal order at the office of the Accountant in Bankruptcy.
2. Cheques must be made payable to **Accountant in Bankruptcy** and must not be post-dated. You must have a valid cheque guarantee card with you.
3. If someone else is paying for your application fee by cheque, **your name and address and the name of the entity being made bankrupt must be written on the back of the cheque.** We must also see that person's cheque guarantee card at the time of payment.
4. We accept payment by debit card **but cannot accept payment by credit card.**

### Payment at a bank

1. You can pay at your local Royal Bank of Scotland (RBS) by cash, postal order, cheque or debit card from your own bank account. **You cannot pay by credit card.**
2. Cheques must be made payable to **Accountant in Bankruptcy.**
3. **Write your name and address and the name of the entity being made bankrupt on the back of the postal orders or cheque.**
4. Payment must be made into RBS account number 11444655, sort code 83-06-08.
5. You must get a receipt from the bank which shows that payment has been made. Your receipt should show:
  - > the date
  - > the amount you have paid and
  - > the account number the money was paid into.

**You must write your name and address and the name of the entity being made bankrupt on the back of the receipt.**

**You must enclose the receipt with your application.**

You should keep a copy of the receipt for your own records.

## **Warning**

**You may be committing a criminal offence if you deliberately do not disclose all relevant information or if you deliberately make a false statement when completing the forms in this pack.**

Send our completed application and enclosures to:

**Debtor Applications Team  
Accountant in Bankruptcy  
1 Pennyburn Road  
Kilwinning  
Ayrshire KA13 6SA**

We will normally contact you about your application within 5 working days of receiving it.

If you are unsure about what information we want in any particular question you can speak to us on 0845 762 6171.

**The Accountant in Bankruptcy (AiB) cannot offer you advice on what action you should take regarding your finances. You can get financial advice from Citizens Advice Bureaux, Money Advice Scotland or other advice agencies.**

## **DATA PROTECTION STATEMENT**

The Accountant in Bankruptcy fully recognises the importance of privacy and especially our duties under the Data Protection Act 1998. Please note that any personal information provided to us will be processed exclusively to discharge our statutory functions under the Bankruptcy (Scotland) Act 1985 and other relevant legislation. Sensitive personal information will not be disclosed to third parties except in special cases as provided in that Act. A full copy of our Data Protection Policy is available on request.

## Debtor Application Pack 3 – Form 11

The information on this page will help you to complete the questions on page 5. Read it question by question as you go along.

Questions 1-4 are about the entity being made bankrupt and questions 5-8 are about you and not the entity being made bankrupt. We need this information to contact you about this application and to confirm your authority to apply on behalf of the entity.

### Questions 1-4 are about the entity.

- Q1.** Enter the full name of the entity.
- Q2.** Enter the type of entity, 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.

### Questions 5-8 are about you and not the entity being made bankrupt.

- 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 being made bankrupt, 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.

## Debtor Application Pack 3 – Form 11

The information on page 4 will help you complete this page. Read it question by question as you go along.

1. Name of entity	<input type="text"/>
2. Type of entity	<input type="text"/>
3. Address of entity	<input type="text"/>
Town	<input type="text"/>
County	<input type="text"/>
Postcode	<input type="text"/>
4. Contact telephone number for entity (including STD code)	<input type="text"/>
Entity's e-mail address	<input type="text"/>
5. Title (Mr/Mrs/etc)	<input type="text"/>
Surname	<input type="text"/>
First and middle names	<input type="text"/>
6. Home address (house name, street etc)	<input type="text"/>
Town	<input type="text"/>
County	<input type="text"/>
Postcode	<input type="text"/>
7. Telephone (including STD code)	<input type="text"/>
Mobile	<input type="text"/>
E-mail address	<input type="text"/>
8. Your relationship to the entity being made bankrupt	<input type="text"/>

## Debtor Application Pack 3 – Form 11

The information on this page will help you to complete the questions on page 7. Read it question by question as you go along.

**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 Scotland.

If 'yes', provide details.



## Debtor Application Pack 3 – Form 11

The information on page 6 will help you complete this page. Read it question by question as you go along.

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? If 'yes' please provide details. Yes  No

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12. Has the entity been subject to any insolvency proceedings in any country outside of Scotland? If 'yes' please provide details. Yes  No

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## Debtor Application Pack 3 – Form 11

The information on this page will help you to complete the questions on page 9. Read it question by question as you go along.

This application must have the support or concurrence of one or more of the entity's creditors.

**Q13a.** You must enter the full name of your concurring creditor for example, Mr John James Smith. If your concurring creditor is acting on behalf of a business or firm, tell us about their position in the business or firm. Here are some examples which might help.

- > **Mr John James Smith.** (Use this if your concurring creditor is an individual the entity owes money to.)
- > **Mr John James Smith trading as Sparky Electrics.** (Use this if the entity owes money to Mr John James Smith and he is the sole owner of Sparky Electrics.)
- > **Mr John James Smith partner in the Firm of Sparky Electrics.** (Use this if the entity owes money to Sparky Electrics **and** it is a partnership run by more than 1 person **and** Mr John James Smith is one of the partners.)
- > **Mr John James Smith director of Sparky Electrics Ltd.** (Use this if the entity owes money to Sparky Electrics Ltd **and** Mr John James Smith has an official position with this limited company – in this case a director.)

**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.** The concurring creditor must complete this section to confirm that they concur in this application.

If the 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, for example, owner, partner, director.

The concurring creditor must also complete Form 2 (Oath by Creditor) on pages 24-27.

If you need extra copies of pages 8 and 9 to give to other concurring creditors, you may photocopy them.

# Debtor Application Pack 3 – Form 11

The information on page 8 will help you complete this page. Read it question by question as you go along.

**13a.** Name of concurring creditor  
(and position if they are  
agreeing on behalf of a  
partnership, firm,  
company etc)

**13b.** Address  
(building name, street etc)

  
  
  
  
Town  
County  
Postcode

**13c.** How much does the entity  
owe this creditor?

**14. 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.

Signature \_\_\_\_\_

Status \_\_\_\_\_

Date \_\_\_\_\_

## **Debtor Application Pack 3 – Form 11**

The information on this page will help you to complete the questions on page 11. Read it before you complete page 11.

### **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.
- > 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 which is on page 23 of this pack.

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

**Take time to review your answers in this form and check that you have answered all questions before signing and dating. Proceed to complete Form 12 of this pack from page 12 onwards.**

## Debtor Application Pack 3 – Form 11

The information on page 10 will help you complete this page. Read it before you complete this page.

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

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 on page 23 is completed and returned with this application.

### NOW SIGN THIS FORM

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

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Debtor Application Pack 3 – Form 12

The information on this page will help you to complete the questions on page 13. Read it before you complete page 13.

### Statement of Assets and Liabilities

The Statement of Assets and Liabilities is a statutory form required under section 5(6A) of the Bankruptcy (Scotland) Act 1985, as amended.

The Bankruptcy (Scotland) Act 1985, as amended requires the Statement of Assets and Liabilities to be completed and sent to the Accountant in Bankruptcy with the Debtor Application.

The format and content of the Statement of Assets and Liabilities are prescribed under Bankruptcy Regulations.

**It is an offence for anyone applying for bankruptcy on a Debtor Application to fail to send the statement of Assets and Liabilities to the Accountant in Bankruptcy or to fail to disclose any material fact when completing the Statement of Assets and Liabilities or to make any material misstatement in the Statement of Assets and Liabilities.**

Not all questions in the Statement of Assets and Liabilities apply to every applicant. Please answer all questions, writing 'not applicable' against any questions that do not apply to an entity or to the particular entity that you are representing.

When the terms 'you' or 'debtor' are used in the Statement of Assets and Liabilities, you should take the term to mean the entity which is to be made bankrupt. Although the format of the Statement of Assets and Liabilities is prescribed, the guidance notes on the left hand pages have been adapted for your particular circumstance.

**Q1-3.** In column 1 enter all income received by the entity.

In column 2 enter the frequency that the income is received, for example, weekly/fortnightly/monthly/annually.

In column 3 enter the amount that is received.

In column 4 enter the name and address of the sources of income for your entity as applicable. Continue on a separate page if required.

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

## Debtor Application Pack 3 – Form 12

### Statement of Assets and Liabilities

Bankruptcy (Scotland) Act 1985: Section 5(6A) (as amended), (statement of assets and liabilities to be lodged with debtor's application).

The information on page 12 will help you complete this page. Read it before you complete this page.

### Income

<b>1. Average net earnings</b>	<b>Frequency</b>	<b>Amount (£)</b>	<b>Name and address of employer</b>
<b>2. Social security benefits</b>	<b>Frequency</b>	<b>Amount (£)</b>	<b>Address of benefits office</b>
<b>3. Any other income</b> Pension Annuity Grants, rents, trusts etc	<b>Frequency</b>	<b>Amount (£)</b>	<b>Address of other source of income</b>

### 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.

<b>NAME OF BANK OR BUILDING SOCIETY</b>	<b>BRANCH</b>	<b>ACCOUNT NUMBER</b>	<b>SORT CODE</b>	<b>BALANCE</b>

## Debtor Application Pack 3 – Form 12

The information on this page will help you to complete the questions on page 15. Read it before you complete page 15.

- Q5.** Complete this section if there are any investments held in the name of the entity.
- Q6.** List any non-essential possessions owned by the entity 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 the entity has an interest as an owner or tenant.

### Part A

**Column 1**, write the addresses of any property owned either wholly or jointly by the entity. If the entity is a joint or part owner, specify the share it owns, 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 on page 19.

### 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.



## Debtor Application Pack 3 – Form 12

The information on page 14 will help you complete this page. Read it before you complete this page.

### 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

PART A. ADDRESS (IF OWNED)	TYPE OF PROPERTY	NAME OF JOINT OWNER(S)	MORTGAGE OR SECURED LOAN YES/NO
PART B. ADDRESS (IF RENTED)	TYPE OF PROPERTY	NAME OF JOINT TENANT(S)	OWNER OF PROPERTY

(Continue on a separate sheet if required)

## **Debtor Application Pack 3 – Form 12**

The information on this page will help you to complete the questions on page 17. Read it before you complete page 17.

**Q8.** Complete a list of any unsecured debts due by the entity, for example, loans, credit cards, catalogue accounts, unpaid council tax, overdrafts, rent, household-type bills (gas, telephone etc) and any debts due to individuals.

You must include all the unsecured debts that the entity owes. If the bankruptcy is awarded, the trustee will write to each of these creditors – creditors are the people who are owed money.

**Note:** You may be asked to provide copies of letters and bills from these creditors.

## Debtor Application Pack 3 – Form 12

The information on page 16 will help you complete this page. Read it before you complete this page.

### 8. Unsecured debts

TYPE OF DEBT	NAME AND ADDRESS OF CREDITOR	ACCOUNT NO/ REF NO	AMOUNT OWED
<b>TOTAL</b>			£

(Continue on a separate sheet if required)

## **Debtor Application Pack 3 – Form 12**

The information on this page will help you to complete the questions on page 19. Read it before you complete page 19.

- Q9.** If there is a mortgage or any debts secured against any property owned by the entity, provide information regarding the amount currently owed to the secured lender and the date the mortgage or loan was obtained.

Take time to review your answers in this form and check that you have answered all questions before signing and dating. Continue to the checklist on page 21 to ensure that you have attached all the relevant information.

## Debtor Application Pack 3 – Form 12

The information on page 18 will help you complete this page. Read it before you complete this page.

### 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 on 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 sections 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 bankruptcy to the Accountant in Bankruptcy on the day the application is made; or
- (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 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.

**DO NOT WRITE ON THIS PAGE**

## Debtor Application Pack 3 – Document Checklist

### Document Check

- > Before we can award the bankruptcy, we have to check the various documents that we have asked you for. Not everyone needs to send the same documents. What we need depends on the answers you have given.
- > Please take time to make sure that you are giving us all the documents we need. Look at the document checklist below and decide which of these you have to send us. You will not have to send them all.

### Application Checklist

- > The **Document** column shows the documents or paperwork that you might need to send to us.
- > The **Page** column lets you know the page in the application that will help you decide whether or not you need to send us the document in that row.
- > Put a **tick** in the last column if you are enclosing the document in that row.

	DOCUMENT	PAGE	PLEASE TICK IF ENCLOSED
1.	Application fee – £100	Page 2	
2.	Bank receipt (if paying at the bank)	Page 2	
3.	Form 2 (the Oath by Creditor) from the concurring creditor(s)	Page 25-27	
4.	Form 13 (the insolvency practitioner's signed undertaking to act as trustee)	Page 23	

	CHECKLIST	TICK BELOW
1.	Tick when you have signed and dated page 11.	
2.	Tick when you have signed and dated page 19.	
3.	Tick when your concurring creditor(s) has signed and dated page 9.	
4.	Tick if you have included additional pages. Say how many extra pages you have enclosed.	

## **Debtor Application Pack 3 – Form 13**

If you have chosen to have an insolvency practitioner to act as the trustee to administer the bankruptcy of the entity and have completed page 11, ask the insolvency practitioner to complete Form 13 opposite.

This must be completed before you send your application form to Accountant In Bankruptcy.

**Remember Form 2 on pages 25-27 must be completed and signed by your concurring creditor(s).**



# Debtor Application Pack 3 – 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 \_\_\_\_\_

## Debtor Application Pack 3 – Form 2

### Note for the concurring creditor(s).

1. Form 2 is on pages 25-27 of this pack.
2. Form 2 is an oath which you must swear before a person entitled to administer an oath, for example, a Notary Public (usually a solicitor) or a Justice of the Peace.
3. The first page of Form 2 (page 25) sets out the details of the creditor, the debtor, the amount owed and the signatures of both the creditor (or person acting on behalf of the creditor) and the person administering the oath. The second page (page 27) gives a breakdown of the debt which is owed to the creditor.

### Note for the applicant.

1. You may want to detach these pages from this pack so that the Form 2 can be completed by the concurring creditor(s) and taken to the person administering the oath **but the pages must be sent to AiB along with the rest of this application pack.**
2. You may photocopy Form 2 if you need more than 1 concurring creditor.

# Debtor Application Pack 3 – Form 2

## OATH BY CREDITOR

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

<p>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.</p>	<p>In the case of an oath administered outside the U.K. see section 11(2)(b) of the Act.</p>
<p>(a) Insert name and address of creditor</p>	<p>(a) _____ _____ _____</p>
<p>(b) If applicable, insert name and address of authorised person acting on behalf of creditor</p>	<p>(b) _____ _____ _____</p>
<p>* delete as appropriate</p>	<p>I do solemnly and sincerely swear/affirm* that to the best of my knowledge and belief</p>
<p>(c) Insert name and address of debtor</p>	<p>(c) _____ _____ _____</p>
<p>* delete as appropriate</p>	<p>owes me/the creditor* the sum of</p>
<p>(d) Insert total amount of the debt or debts</p>	<p>(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.</p>
<p>* delete as appropriate</p>	<p>Sworn/affirmed* at</p>
<p>(e) Insert name and place where oath is sworn</p>	<p>(e) _____ _____ _____</p>
<p>(f) Insert date</p>	<p>on (f) _____</p>
<p>(g) Name and address and designation of person administering the oath or affirmation</p>	<p>before (g) _____ _____ _____</p>
<p>* delete as appropriate</p>	<p>Signed _____ creditor/on behalf of creditor* Signature of person administering the oath/affirmation* _____</p>

**DO NOT WRITE ON THIS PAGE**

## Debtor Application Pack 3 – Form 2

### OATH BY CREDITOR

### PARTICULARS OF EACH DEBT

#### Notes

A separate set of particulars should be made out in respect of each debt.

- (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).
- (2) Specify what the debt is in respect of, the date or dates when it was incurred and when it became payable.
- (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.
- (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.

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”.

**(1) Amount of debt**

**(2) Details of debt**

**(3) Evidence of debt**

**(4) Security for debt**







T 0845 612 6460  
Kilwinning Ayrshire KA13 6SA  
F 0845 612 6470 Help 0845 762 6171  
helpline@aib.gsi.gov.uk www.aib.gov.uk