



**CASE REVIEW:**

# **SEQUESTRATION**

**2016**



**CASE REVIEW:**  
**SEQUESTRATION**

**Case Name** : .....

**Appointee** : .....

**Warrant to Cite date** : .....

**Award date** : .....

# SEQUESTRATION - CASE REVIEW

## 1. Introduction

- 1.1. The attached Case Review Pack is part of a series issued by ICAS. The objective is to provide documentary evidence of the conduct of the Sequestration and of periodic case review.

It is accepted that there are alternative methods of demonstrating that periodic reviews have been completed. Use of these review forms is not mandatory where it can be demonstrated that other appropriate methods of review are employed.

- 1.2. The case review forms assume that members are familiar with Sequestration procedures, gained through practical experience and through knowledge of the relevant statutory provisions. For the detailed requirements relating to Sequestration in Scotland members should refer to legislation, to Statements of Insolvency Practice (Scotland) and to other guidance notes, specifically those issued by the Accountant in Bankruptcy.
- 1.3. The case review forms are issued as aide memoires. They are not intended to replace detailed work programmes and they may not be relied upon as exhaustive.
- 1.4. The case review forms have been compiled using every best endeavour of ICAS and of those members whose expert opinion was sought. They are intended to apply only in the context of members dealing with Sequestrations in Scotland. It should be noted that, in using them, insolvency practitioners accept that no liability, howsoever caused, for loss or damage of any kind resulting from such use, attaches to ICAS, to any of its staff or to those individuals who contributed to their formulation and publication in respect of any fault, error, negligence or omission in their content.
- 1.5. The information contained in the case review forms is based on legislation current as at 30 November 2016. Unless otherwise stated, references given are to the Bankruptcy (Scotland) Act 2016 ("the Act"), the Bankruptcy (Scotland) Regulations 2016 ("the 2016 Regs"), The Bankruptcy (Applications and Decisions) (Scotland) Regulations 2016 ("the 2016 AD Regs"), and the Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016 ("the 2016 Sheriff Court Rules").

# SEQUESTRATION - CASE REVIEW

## INDEX

		<u>File ref</u>	<u>Subsidiary Form Completed Initials</u>	<u>Date</u>																																	
SEQ 1	Conflicts of Interest in Accepting Appointment																																				
SEQ 2	Pre Appointment procedures																																				
SEQ 3	Appointment Procedures																																				
SEQ 4	Preparation of the Statement of Affairs and for the Meeting of Creditors																																				
SEQ 5	Pre-Appointment Dealings of the debtor and Bankruptcy Restriction Order reporting																																				
SEQ 6	Contributions																																				
SEQ 7	Asset Realisation																																				
SEQ 8	Book Debts / Contract Debts																																				
SEQ 9	Secured/Preferential Creditors																																				
SEQ 10	Trading																																				
SEQ 11	Remuneration																																				
SEQ 12	Distribution to Creditors																																				
SEQ 13	Discharge of the debtor																																				
SEQ 14	Concluding the Sequestration																																				
SEQ 15	Six Monthly Review and Accounts																																				
	<table border="1"> <thead> <tr> <th></th> <th>Period From</th> <th>Period To</th> </tr> </thead> <tbody> <tr><td>Review 1</td><td></td><td></td></tr> <tr><td>Review 2</td><td></td><td></td></tr> <tr><td>Review 3</td><td></td><td></td></tr> <tr><td>Review 4</td><td></td><td></td></tr> <tr><td>Review 5</td><td></td><td></td></tr> <tr><td>Review 6</td><td></td><td></td></tr> <tr><td>Review 7</td><td></td><td></td></tr> <tr><td>Review 8</td><td></td><td></td></tr> <tr><td>Review 9</td><td></td><td></td></tr> <tr><td>Review 10</td><td></td><td></td></tr> </tbody> </table>		Period From	Period To	Review 1			Review 2			Review 3			Review 4			Review 5			Review 6			Review 7			Review 8			Review 9			Review 10					
	Period From	Period To																																			
Review 1																																					
Review 2																																					
Review 3																																					
Review 4																																					
Review 5																																					
Review 6																																					
Review 7																																					
Review 8																																					
Review 9																																					
Review 10																																					
SEQ 16	Discovery of assets after trustee's discharge																																				
SEQ 17	Application for recall																																				

# SEQUESTRATION - CASE REVIEW

## INDEX

		<u>File</u> <u>ref</u>	<u>Subsidiary Form</u> <u>Completed</u> <u>Initials</u>	<u>Date</u>
SEQ 18	List of Statutory Forms		<input type="text"/>	<input type="text"/>

**SEQUESTRATION - CASE REVIEW  
CONFLICTS OF INTEREST IN ACCEPTING APPOINTMENT**

**SEQ 1**

IP review : *dates* .....  
.....

**Subsidiary Form**  
**Completed**  
**Initials      Date**

**File**  
**ref**

1. Confirm that the appointee and all his partners and associates in the firm (if any) have had no significant professional relationship with the debtor nor anyone connected with the debtor in the three years prior to the appointment (Refer to the ICAS Ethical Guidelines Part A General and Part D Insolvency Practitioners)
2. Confirm that there are no matters which may be seen to impair objectivity
3. If there are potential problem areas prepare a file record stating the circumstances of the relationship and the conclusion reached about accepting the appointment
4. Confirm that the appointee and all his partners and associates had no financial interest in the debtor's affairs prior to the appointment
5. Confirm that acceptance of this appointment will not give rise to a conflict with any other current assignment of the appointee or of his partners or associates (if any)
6. Confirm that there are no issues which would indicate that the appointment should not proceed
7. Confirm that sequestration is an appropriate procedure in all the known circumstances
8. Confirm compliance with the Firm's procedures for Client Identification and Money Laundering
9. Confirm that Ethics Checklist (if one exists) has been completed and signed off at appropriate levels


Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**



IP review : *dates* .....  
 .....  
 .....

**Subsidiary Form**  
**Completed**  
Initials      Date

File  
ref

**CREDITOR PETITIONS**

1. Confirm that Form 6.1-B of the 2016 Sheriff Court Rules (Form of undertaking by prospective trustee) has been completed, signed and filed

--	--

**DEBTOR APPLICATIONS**

2. Confirm by searching the Register of Insolvencies that the debtor has not been sequestrated within the previous 5 years

--	--

3. Confirm that the debtor has debts exceeding £3,000

--	--

4. Confirm that the debtor is either:
- apparently insolvent
  - has been granted or is eligible to be provided with a certificate for sequestration
  - has granted a trust deed which has failed to become protected

--	--

5. Confirm that the debtor has an established place of business or has been habitually resident in Scotland at any time in the preceding 12 months

--	--

6. Confirm that the debtors centre of main interest (COMI) has been considered and reasons documented for concluding that the debtors COMI is in the United Kingdom or in any other EU member state. Confirm that the debtor is not aware of any main insolvency proceedings or any territorial insolvency proceedings having been opened in any other EU member state

--	--

7. Confirm that the debtor has been interviewed

--	--

8. Prepare notes of the initial interview with the debtor (sign and date them) and pursue the matters noted. Consider the action required if there are attached goods or arrestments

--	--

9. Confirm that notice has been given to the Accountant in Bankruptcy to obtain a moratorium on diligence, where appropriate. Confirm that no notice has been given by the debtor in the previous 12 months

--	--

**SEQUESTRATION - CASE REVIEW  
PRE APPOINTMENT PROCEDURES**

**SEQ 2**

IP review : dates .....

**Subsidiary Form**  
**Completed**  
**Initials**      **Date**

**File**  
**ref**

10. Confirm that prior to completing the sequestration application form the debtor has been provided with money advice required by legislation

*The money advice must include:*

- *advice of the effect of the proposed sequestration of their estate*
- *advice on the preparation of the application*
- *advice on their financial circumstances*
- *a completed income and expenditure statement of the debtor in accordance with the common financial tool*
- *advice of the evidence required to confirm the debts of the debtor in making the debtor application*
- *Debt Advice and Information Package*
- *the options of a voluntary repayment plan, debt payment programme under the Debt Arrangement Scheme or a trust deed*
- *the consequences of sequestration and that an award of sequestration, if granted, is recorded in a public register and may result in one or more of—*
  - (i) the debtor being refused credit, or being offered credit at a higher rate, whether before or after the date of the debtor being discharged;*
  - (ii) the debtor not being able to remain in his or her current place of residence;*
  - (iii) the debtor being required to relinquish property which the debtor owns;*
  - (iv) the debtor requiring to make contributions from income for the benefit of creditors;*
  - (v) damage to the debtor’s business interests and employment prospects;*
  - (vi) the debtor still being liable for some debts;*
  - (vii) the debtor’s past financial transactions being investigated; and*
  - (viii) other restrictions or requirements imposed on the debtor as a result of the debtor’s own circumstances and actions*

--	--	--

11. Confirm that evidence of the debtor’s income and expenditure has been obtained and that steps have been taken to retain the evidence for a minimum of 2 years from the date money advice was given

--	--	--

12. Confirm that the debtor has been given adequate time to consider the consequences and alternatives before signing the application

--	--	--

13. Confirm that a certificate for sequestration has been completed and issued to the debtor, where appropriate

--	--	--





**SEQUESTRATION - CASE REVIEW  
PRE APPOINTMENT PROCEDURES**

**SEQ 2**

IP review : *dates* .....  
.....

**Subsidiary Form  
Completed  
Initials      Date**

**File  
ref**

- 14. Confirm that Form 12 of the 2016 Regs (Form of Undertaking to act as trustee in sequestration on application of a debtor) has been completed, signed and copy filed
- 15. Assess the level of any contribution that will be payable under a debtor contribution order and ensure that the debtor is aware that the debtor contribution order amount proposed could be varied by the Accountant in Bankruptcy
- 16. Ensure that a list of all creditors and their addresses (and any reference numbers where possible) is obtained from the debtor

--	--

--	--

--	--

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

**SEQUESTRATION - CASE REVIEW  
APPOINTMENT PROCEDURES**

**SEQ 3**

IP review : *dates* .....

**Subsidiary Form**

**Completed**  
**Initials**      **Date**  
**File**  
**ref**

**DEBTOR APPLICATION**

1. Confirm that the debtor is advised of the trustee's appointment and the effect of sequestration. (Issue appropriate written instructions and ensure that copies are filed.)
2. Ensure that matters noted at initial meeting with the debtor are pursued
3. Confirm that an initial status report has been obtained from the debtor where applicable

--	--

--	--

--	--

**CREDITOR PETITION**

4. Confirm that the debtor is advised of the trustee's appointment, the effect of sequestration and has been sent a Statement of Undertakings (Form 13 of the 2016 Regs). (Issue appropriate written instructions and ensure that copies are filed.)
5. Confirm that the debtor has been interviewed
6. Prepare notes of the initial interview with the debtor (sign and date them) and pursue the matters noted
7. Ensure that Form 10 of the 2016 Regs (Statement of Assets and Liabilities - petition by creditor or trustee under a trust deed) has been issued to the debtor
8. Confirm that initial proposals in relation to the debtor contribution (Appendix O) are sent to the Accountant in Bankruptcy within 6 weeks of the date of award of sequestration

--	--

--	--

--	--

--	--

--	--

**STATUTORY MEETING**

9. Consider whether any objection in relation to any matter connected with the election has been raised within 4 days of the statutory meeting
10. If no objections are made within 4 days, ensure that interlocutor is received from the sheriff confirming the appointment
11. Make arrangements with original trustee to take possession of everything in his possession which relates to the sequestration

--	--

--	--

--	--



**SEQUESTRATION - CASE REVIEW  
APPOINTMENT PROCEDURES**

IP review : *dates* .....

**Subsidiary Form**

**Completed**  
**Initials**      **Date**

**File**  
**ref**

12. Ensure that within 3 months of the appointment as replacement trustee that a copy of the account of intromissions and claim for outlays and remuneration submitted by the original trustee to the Accountant in Bankruptcy is received. Confirm the accounts include the period as interim trustee where the original trustee was also interim trustee

--	--

13. Ensure that a copy of the Accountant in Bankruptcy's determination is received and inserted into the sederunt book, and consider whether any appeal to the determination is to be made

--	--

**ALL APPOINTMENTS**

14. Confirm that the debtor has completed a supplementary questionnaire (Appendix A) and that it has been lodged as appropriate

--	--

15. Ensure that, where necessary, notification of the sequestration has been given to any non-entitled spouse or civil partner within 14 days of being aware that the debtor's estate includes a matrimonial or family home and of the existence of a non-entitled spouse or civil partner in accordance with s114 and 115

--	--

16. Consider the action required if there are attached goods or arrestments. (Record on file the action taken.)

--	--

17. Consider whether there are any earnings arrestments requiring action or evidence of gratuitous alienations etc (record on file the action taken)

--	--

18. Take possession of all important documents

--	--

19. Include the appointment details and the level of specific cover required on the Bordereau

--	--

20. Confirm that the sequestration has been recorded in the Register of Inhibitions

--	--

21. Arrange insurance cover for assets if appropriate. Ensure that arrangements are made to comply with any policy conditions

--	--

22. Open an interest bearing bank account and set up an accounting record for the case

--	--

23. Consider the implications of trading on and record the conclusions reached

--	--



**SEQUESTRATION - CASE REVIEW  
APPOINTMENT PROCEDURES**

**SEQ 3**

IP review : *dates* .....

**Subsidiary Form**

**Completed**  
**Initials**      **Date**

- 24. Consider VAT implications. Complete and file form VAT 769 within 21 days of appointment
- 25. Open the sederunt file (if not already done so)
- 26. Ensure s120 notifications issued to Pension Regulator, Pension Protection Fund and Trustees of Scheme within 14 days of appointment
- 27. Ensure that creditors have been informed that the office holder is bound by the Code of Ethics

--	--

--	--

--	--

--	--

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

**SEQUESTRATION - CASE REVIEW  
PREPARATION OF THE STATEMENT OF AFFAIRS AND FOR THE  
MEETING OF CREDITORS**

IP review : *dates* .....

	<u>Subsidiary Form</u>
	<u>Completed</u>
	<u>Initials</u> <u>Date</u>
<u>File ref</u>	
1. Obtain relevant details from secured creditors, from valuers and have the debtor's questionnaire completed	
2. Ascertain and record the reasons for the insolvency	
3. Assess the level of contributions to be made by the debtor and include the amount as a note to the Statement of Affairs	
4. Prepare the Statement of Affairs including: <ul style="list-style-type: none"> <li>• notes on how asset values have been arrived at and the basis of any provisions</li> <li>• whether, in respect of preferential creditors, ordinary creditors, statutory interest and postponed debt, it is considered that the debtor's assets are unlikely to be sufficient to pay any dividend whatsoever to that category</li> </ul>	
5. Commence steps towards the realisation of the estate	
6. Consider whether it is desirable to hold a creditors' meeting	
7. Notify the creditors whether the trustee intends to call a statutory meeting in terms of s44 within 60 days of the award of sequestration	
8. Sign the certificate of posting	
9. Consider whether to advertise for claims in a local newspaper	
<b>WHERE NO MEETING IS HELD</b>	
10. Ensure that reasons for not calling the statutory meeting are documented and filed	
11. Confirm that notice of the trustee's intention not to call the statutory meeting is sent to every known creditor to include the following information: <ul style="list-style-type: none"> <li>• Trustee's statement of affairs</li> <li>• Within 7 days of giving notice that any creditor may request the trustee to call the statutory meeting</li> <li>• If not less than ¼ in value request a meeting, then the trustee must call the meeting not later than 28 days after giving notice.</li> <li>• Claim Form (Form 11 of the 2016 Regs)</li> <li>• That claims must be submitted within 120 days in order to obtain an adjudication as to entitlement to any future dividends</li> </ul>	

**SEQUESTRATION - CASE REVIEW  
PREPARATION OF THE STATEMENT OF AFFAIRS AND FOR THE  
MEETING OF CREDITORS**

**SEQ 4**

IP review : *dates* .....

**Subsidiary Form  
Completed  
Initials      Date**

**File  
ref**

12. Confirm that on expiry of the 7 days after giving notice that the requisite number of creditors have not requested a meeting

--	--

13. Ensure that a Report (Appendix P) has been submitted to the Accountant in Bankruptcy where no statutory meeting is called

--	--

14. Confirm that not later than 60 days from the award of sequestration, that the trustee has sent the following to the Accountant in Bankruptcy:

- Statement of assets and liabilities
- Copy of debtor's statement of affairs
- Written comments of the trustee giving an opinion as to the causes of insolvency and the extent to which the conduct of the debtor may have contributed

--	--

15. If requested to call a statutory meeting confirm that it has been held within 28 days after giving initial notice to creditors, and giving at least 7 days' notice of the meeting

--	--

**WHERE MEETING IS HELD**

16. Confirm that the meeting has been held not later than 28 days after the giving of notice per s44(7)

--	--

17. Confirm that at least 7 days' notice has been given to creditors and that the following information has been supplied:

- Date of meeting
- Time of meeting
- Place of meeting
- Claim Form (Form 11 of the 2016 Regs) were issued to known creditors
- That claims must be submitted within 120 days in order to obtain an adjudication as to entitlement to any future dividends
- Creditors informed of trustee's duties

--	--

**SEQUESTRATION - CASE REVIEW  
PREPARATION OF THE STATEMENT OF AFFAIRS AND FOR THE  
MEETING OF CREDITORS**

IP review : *dates* .....

**Subsidiary Form**

**Completed**

**File  
ref**

**Initials**

**Date**

18. Confirm that not later than 4 days before the statutory meeting, the trustee has sent to the Accountant in Bankruptcy the following:

- Trustee's statement of assets and liabilities
- Debtor's statement of affairs
- Written comments of the trustee giving an opinion as to the causes of insolvency and the extent to which the conduct of the debtor may have contributed

--	--

19. Prepare documents for the meeting:

- prepare an attendance list, proxy schedule, agenda and minutes of the meeting
- record details of the claims received
- provide a background report on events
- minute any resolutions and send a report to creditors

--	--

Consider whether the creditors wish to appoint Commissioners. Obtain their written consent and document their appointment

20. Confirm that the statutory meeting has been minuted and that minutes are filed in the sederunt book.

--	--

21. Consider whether the Statement of Affairs requires to be revised

--	--

22. Document whether the appointment of the original trustee has been confirmed or whether a replacement trustee has been appointed

--	--

23. Where the original trustee has been confirmed, confirm that Form 7.5 of the 2016 Sheriff Court Rules (Form of Report by the original trustee) has been submitted to the relevant sheriff court and copied to the Accountant in Bankruptcy. Ensure that copy minutes and the trustee's statement of affairs are attached to Form 7.5

--	--

24. Where a replacement trustee has been appointed, confirm that the trustee reports to the sheriff using Form 4 of the 2016 AD Regs where the original trustee was the AiB or Appendix G of the Accountant in Bankruptcy's guidance notes where the original trustee was not the AiB.

--	--

25. Confirm whether the debtor, any creditor or the original or replacement trustee has objected to the sheriff within 4 days of the statutory meeting

--	--

**SEQUESTRATION - CASE REVIEW  
PREPARATION OF THE STATEMENT OF AFFAIRS AND FOR THE  
MEETING OF CREDITORS**

**SEQ 4**

IP review : *dates* ..... ..

**Subsidiary Form**  
**Completed**  
**Initials**      **Date**

**File**  
**ref**

26. Confirm, if no objections received, that the sheriff has made the appropriate order appointing the replacement trustee and this is recorded in the sederunt book

--	--

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**



**SEQUESTRATION - CASE REVIEW**  
**PRE-APPOINTMENT DEALINGS OF THE DEBTOR AND BANKRUPTCY**  
**RESTRICTION ORDER REPORTING**

**SEQ 5**

IP review : *dates* .....

**Subsidiary Form**  
**Completed**  
**Initials**      **Date**

**File**  
**ref**

1. Confirm that the debtor has been interviewed to ascertain the reasons for the insolvency and that notes have been made
2. Confirm that enquiries have been made to identify assets such as shareholdings, patents, loans etc.
3. Confirm that possession has been taken of available books and records and that they have been reviewed to identify potential assets e.g. insurance premium payments may indicate an asset
4. Confirm that information has been sought from third parties (accountants, banks, employees etc.)
5. Confirm that matters raised by third parties have been adequately addressed and that the actions taken are supported by appropriate file notes
6. Assess the need to search:
  - i. against known heritable property to reveal the date and value of the last transfer and the identity of the secured creditors
  - ii. for properties in the name of the debtor and
  - iii. against the debtor to identify any other trading names
7. Confirm where there is evidence of a possible alienation of assets or of unfair preferences that the matter has been adequately researched and a conclusion recorded
8. Confirm that consideration has been given to applying for public examination, record reasoning
9. Confirm that if public examination is being held that the statutory procedures have been followed
10. Confirm that enquiries have been made into the existence of court actions, statutory demands for payment etc. and that these have been addressed
11. Confirm that the debtor's conduct has been satisfactory to date


Reviewed on:	
Reviewed on:	
Reviewed on:	



**SEQUESTRATION - CASE REVIEW  
PRE-APPOINTMENT DEALINGS OF THE DEBTOR AND BANKRUPTCY  
RESTRICTION ORDER REPORTING**

**SEQ 5**

IP review : *dates* .....

**Subsidiary Form**

**Completed**

**File  
ref**

**Initials**

**Date**

12. Where the trustee considers that the debtor's conduct requires a suspected offences report, confirm that Appendix J of the Accountant in Bankruptcy's guidance notes has been completed and submitted

--	--

13. Where the trustee considers that the debtor's conduct requires a bankruptcy restriction order, confirm that Appendix K of the Accountant in Bankruptcy's guidance notes has been completed and submitted in sufficient time to allow the Accountant in Bankruptcy to make an application prior to the debtor's discharge

--	--

14. Confirm that no later than 6 months after the date of award of sequestration, consideration has been given to whether the debtor is to be notified to undertake the prescribed course of financial education and that conclusions have been documented

--	--

*A debtor is required to undertake the prescribed financial education course where the trustee considers it would be appropriate for the debtor to undertake the course **and** any of the following circumstances apply:*

- *Within the period of 5 years from the date of award of sequestration the debtor:*
  - i. *had their estate sequestrated*
  - ii. *granted a protected trust deed*
  - iii. *was the subject of an IVA, bankruptcy, or administration order in E&W, NI or similar procedures in any other country*
  - iv. *had a debt management programme (including DAS)*
- *the debtor is subject to, or under investigation with a view to an application being made for a BRO*
- *the trustee considers that the pattern of the debtor's behaviour, before or after sequestration, is such that the debtor would benefit from a financial education course*
- *the debtor agrees to undertake a financial education course*

*A debtor is not required to undertake the financial education course if they have completed a financial education course in the 5 years prior to award of sequestration or where the debtor is unable to participate in a financial education course as a result of their health (including disability, physical or mental health)*





IP review : *dates* .....

**Subsidiary Form**

**Completed**

**File  
ref**

**Initials**

**Date**

1. Confirm that a copy of the DCO has been received from the Accountant in Bankruptcy
2. Consider whether any appeal is to be made in relation to the DCO
3. Make arrangements with the debtor, or any third party mentioned in the DCO for payment of regular contributions in accordance with the debtor contribution order
4. Ensure procedures are in place to monitor receipt of contributions
5. Where the debtor fails to make the required contribution, consider whether a variation to the DCO is required to allow deduction of the contribution from earnings or other income
6. Where contributions are to be deducted from earnings or other income, ensure that the debtor has been instructed to give notice to their employer or other third party to deduct the contributions from earnings or other income
7. Where the debtor does not comply with the instruction to notify their employer or other third party and fails to pay two contributions, consider whether to issue a notice to the employer or other third party instructing them to deduct the contribution from the debtor's earnings or other income and to remit to the trustee


**VARIATION IN CONTRIBUTION LEVEL, FREQUENCY OR PAYMENT PERIOD**

8. Review current income and expenditure on six monthly basis or on application of the debtor following a change in financial circumstances, using the common financial tool, and re-assess whether any variation in contribution or quashing of the DCO is required

--	--

Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	



IP review : *dates* .....

**Subsidiary Form**

**Completed**

**File  
ref**

**Initials**

**Date**

9. Consider, where any contributions are not received or where other circumstances require, whether it is necessary to vary the payment period. If required, issue, without delay, a notice varying the DCO as required

--	--

10. Ensure that any variation or quashing as to the DCO are notified to:

- the debtor
- the Accountant in Bankruptcy
- any third party required to make a payment under the DCO
- any other interested person

--	--

**PAYMENT BREAKS**

11. Confirm that the debtor is eligible to apply for a payment break

--	--

12. Consider and document decision of debtor application for a payment break

--	--

13. If a decision is made to grant a payment break, ensure that the decision to grant a payment break is notified to:

- the debtor
- the Accountant in Bankruptcy
- any third party required to make a payment under the DCO

--	--

14. Confirm that procedures are in place to suspend any contributions which were previously payable

--	--

15. Confirm that procedures are in place to ensure that contributions are recommenced at the end of the payment break period

--	--

16. If a decision is made not to grant a payment break, confirm that the debtor is notified

--	--

17. Confirm that where any appeal is made to a decision, that the original decision is not implemented until the outcome of the appeal is determined

--	--

**SEQUESTRATION - CASE REVIEW  
CONTRIBUTIONS**

**SEQ 6**

IP review : *dates* .....

**Subsidiary Form**

**Completed**

**File**  
**ref**

**Initials**

**Date**

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

IP review : dates .....

	<u>Subsidiary Form</u> <u>Completed</u>
	<u>File</u> <u>ref</u> <u>Initials</u> <u>Date</u>
1. Confirm that records have been reviewed and enquiries made to identify potential assets and that a list of assets has been prepared and filed including a detailed schedule of book debts	
2. Consider the possibility of undeclared assets	
3. Confirm that any banks where funds were held by the debtor have been notified of the sequestration and that the notice has been sent first class by registered or recorded delivery or in some other manner by which it can be reasonably considered as having been delivered to the bank the same or next day	
4. Confirm assets on hire purchase/credit sale agreement have been reviewed. Confirm arrangements are in place to follow up any assets under such agreements which shall become acquirenda during the period of 4 years from the award of sequestration	
5. Record proposals for maximising asset realisations	
6. Confirm that steps have been taken to identify and protect assets located at third party premises	
7. Pursue refunds due such as VAT and income tax	
8. Confirm that independent valuations have been sought and ensure providers are aware these may be released to third parties	
9. If valuations have not been obtained record the reasons why not and the basis used for the values in the Statement of Affairs	
10. Confirm that specialist agents have been appointed if appropriate e.g. pension advisors, quantity surveyors	
11. Confirm that the equity position in assets subject to fixed charges has been considered and the conclusions recorded	
12. Prepare sales particulars or instruct agents accordingly. Maintain a record of advertising/contact with interested parties	
13. Identify assets subject to reservation of title claims and record how such claims have been disposed of. Take legal advice if appropriate	

IP review : *dates* .....

**Subsidiary Form**

**Completed**

**File  
ref**

**Initials**

**Date**

14. Confirm that pension policies have been investigated and record your findings. Investigate "excessive contributions" if appropriate and consider challenge

--	--

15. Prepare six monthly reports on unrealised assets and any assets which have come to light since the last report

Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	

--	--

16. Confirm that where assets subject to a fixed security are being sold on behalf of the secured creditor, agreement has been reached to deduct the fees from sale proceeds

--	--

17. Confirm that any directions issued by the Accountant in Bankruptcy have been actioned

--	--

18. Where heritable property, record search details; instruct valuation; review and quantify securities; identify any other burdens (e.g. leases, rights of way) and instigate strategy to realise. Where necessary, consult with secured lender for permission and agree underwriting of costs. Consider whether court authority to sell is required

--	--

19. Where leasehold property, obtain and review the lease. Instruct valuation. Consider terms of the lease and whether insurance is required. If premises required for trading, consider whether negotiations required with landlord

--	--

20. Where the trustee has abandoned heritable property to the debtor, ensure that Form 15 of the 2016 Regs (Notice of abandonment of heritable property by trustee in sequestration where Accountant in Bankruptcy not the trustee) has been sent to the debtor and a certified copy submitted to the Keeper of the Register of Inhibitions and the Accountant in Bankruptcy

--	--

21. Where the trustee intends to litigate to realise the heritable property, ensure Form 22 of the 2016 Regs has been given to the relevant local authority

--	--





IP review : *dates* .....

**Subsidiary Form**  
**Completed**  
**Initials**      **Date**

File  
ref

22. Confirm that prior to the expiry of the third anniversary of the sequestration, adequate steps have been taken to prevent the debtor's family home automatically reverting in the debtor per s112 of the Act, as applicable and necessary

--	--

**ON CONCLUSION**

23. Ensure any insurance is cancelled on conclusion of the sale

--	--

24. Confirm that asset realisations have been reconciled to the Statement of Affairs figures and an explanation provided of significant differences

--	--

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

**SEQUESTRATION - CASE REVIEW  
BOOK DEBTS/CONTRACT DEBTS**

**SEQ 8**

IP review : *dates* .....

**Subsidiary Form**

**Completed**

**File  
ref**

**Initials**

**Date**

1. Confirm that adequate accounting and credit control systems are in operation. Retain details of the sums owing at the date of appointment and commence collection procedures
2. Take control of all documentation including orders, delivery notes, invoices, contracts, conditions of trading etc.
3. Where there is a floating charge holder or assignation over book debts, check validity. Take legal advice as necessary. If valid, agree with holder re collection strategy and costs. If the company is an English registered company trading in Scotland, consider the implications if any book debts are purportedly subject to a fixed charge
4. Review the appropriateness of the debtor's follow up procedures for book debts. Instigate collection procedures through usual channels or consider whether specialist collection agents are required
5. Appoint agents to deal with contract balances if appropriate (e.g. quantity surveyors)
6. Confirm that adequate records are maintained in support of any decisions regarding contract balances
7. Confirm that debts have been pursued in line with a collection timetable
8. Confirm that debts written off have been adequately pursued and that the reasons for the write offs are recorded
9. Confirm progress of debt collection
 

Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
10. Confirm that VAT bad debt relief has been claimed pre and post appointment and with corresponding impact reflected on relevant VAT Returns
11. Confirm that legal advice has been sought if required and litigation for collection documented

--	--

--	--

--	--

--	--

--	--

--	--

--	--

--	--

--	--

--	--

--	--



**SEQUESTRATION - CASE REVIEW  
BOOK DEBTS/CONTRACT DEBTS**

**SEQ 8**

IP review : *dates* .....  
.....

**Subsidiary Form**  
**Completed**  
**Initials**      **Date**

**File**  
**ref**

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

**SEQUESTRATION - CASE REVIEW  
SECURED/PREFERENTIAL CREDITORS**

**SEQ 9**

IP review : *dates* .....

**Subsidiary Form**  
**Completed**  
**Initials**      **Date**

**File**  
**ref**

**Secured**

1. Ensure confirmation has been sought from the secured creditor of the amount owed and of the nature of the security

--	--

2. Confirm that the validity of the charge has been verified and where appropriate that it has been challenged

--	--

3. Consider the need to instruct a search against heritable property

--	--

4. Record the equity position at the commencement of the case and thereafter confirm reviewed on:

Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	

--	--

5. Where there is more than one lender obtain a copy of the ranking agreement, take legal advice if necessary

--	--

6. Confirm that consolidation clauses or rights of set off have been verified and dealt with as appropriate

--	--

7. Confirm that details of inhibiting creditors' claims have been recorded and appropriate action is taken

--	--

8. Confirm that all secured claims have been verified, listed and reduced by any dividend payments which have been made

--	--

**Preferential**

9. Confirm that all preferential claims are documented

--	--

10. Where employees have received funds under ERA provisions, ensure that a claim has been received from the Redundancy Payments Office. Ensure that residual preferential claims due to employees have been quantified and agreed

--	--

11. Check whether there is a preferential subrogated claim for wages

--	--

**SEQUESTRATION - CASE REVIEW  
SECURED/PREFERENTIAL CREDITORS**

**SEQ 9**

**IP review : dates** .....  
.....

**Subsidiary Form**  
**Completed**  
**File**     **Initials**     **Date**  
**ref**

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

**SEQUESTRATION - CASE REVIEW  
SECURED/PREFERENTIAL CREDITORS**

**SEQ 9**

IP review : *dates* ..... ..

<u>File</u> <u>ref</u>	<u>Subsidiary Form</u> <u>Completed</u> <u>Initials</u>	<u>Date</u>
---------------------------	---	-------------

**SEQUESTRATION - CASE REVIEW  
TRADING**

**SEQ 10**

**IP review : dates** .....  
.....

**Subsidiary Form**

**Completed**  
**Initials**      **Date**  
**File**  
**ref**

1. Confirm that the matters considered in deciding to trade on are fully documented and how this fits in with the overall benefit to creditors		
2. Confirm that funding has been agreed at an early stage. Ensure a suitable indemnity is in place if required		
3. Confirm that suppliers and customers have been advised of trading terms: where can and cannot set off and the effective date		
4. Confirm that continuity of supplies/alternative supply arrangements have been made		
5. Confirm that provision has been made for the preparation of cash flows, site reporting and periodic Profit & Loss accounts		
6. Confirm that retained staff have been properly briefed (including on reservation of title and cut off between pre and post sequestration trading) and that an ordering/payment system is in place		
7. Confirm that physical security and authorisation protocol and trading controls have been introduced and are documented		
8. Confirm that licences/permits etc. have been obtained and documents of value, e.g. leases, vehicle registration forms are secured		
9. Confirm that insurers have been advised		
10. Confirm that sales particulars have been prepared and a record maintained of advertising, interested parties etc.		
11. Confirm that any Commissioners have been kept advised		
12. Confirm ongoing periodic review of trading results and the recording of decisions taken		
13. Ensure adequate controls over incoming and outgoing mail (electronic and hard copy)		
14. Ensure arrangements in place to pay workforce on time and consider implications for RTI reporting		
15. Consider impact over any liens of stock		





**SEQUESTRATION - CASE REVIEW  
TRADING**

**SEQ 10**

IP review : *dates* ..... ..

	<u>Subsidiary Form</u>	
	<u>Completed</u>	
<u>File</u>	<u>Initials</u>	<u>Date</u>
<u>ref</u>		

**SEQUESTRATION - CASE REVIEW  
REMUNERATION**

**SEQ 11**

IP review : *dates* .....

**Subsidiary Form**

**Completed**  
**Initials**      **Date**

**File**  
**ref**

1. Confirm that where there is a Commissioner(s), copies of the accounts and claim for outlays and remuneration have been sent to the Accountant in Bankruptcy		
2. Confirm that fee applications have been made in accordance with legislation		
3. Confirm that creditors have been advised of the fees to be drawn and of their rights to have the fee reviewed by the Accountant in Bankruptcy within 14 days of receipt of notice		
4. Confirm that documentation in support of fees is filed		
5. Confirm compliance with Statement of Insolvency Practice 9 (Scotland) - Payments to Insolvency Office Holders and their Associates		
6. Within 2 weeks of the end of an accounting period, prepare and submit to commissioners or, if no commissioners, the Accountant in Bankruptcy: <ul style="list-style-type: none"> <li>- An account of intromission for audit</li> <li>- If funds are available, a scheme of division</li> <li>- Claim for outlays reasonably incurred and a claim for remuneration</li> <li>- Ensure documentation is SIP 9 compliant</li> </ul>		
7. Where documents are submitted to commissioners, ensure a copy is sent to the Accountant in Bankruptcy.		
8. Ensure that all accounts in respect of legal services have been taxed before payment by the auditor of the court, unless the commissioners (or the Accountant in Bankruptcy if there are no commissioners) have determined that the account need not be submitted for taxation		
9. Ensure that the Commissioners or the Accountant in Bankruptcy (as appropriate) have, within 6 weeks, audited the accounts if they wish (not mandatory) and have issued a determination fixing outlays and remuneration (which is mandatory)		
10. The trustee must make the audited accounts, scheme of division (if any) and determination available for inspection by creditors and contributories		

**SEQUESTRATION - CASE REVIEW  
REMUNERATION**

**SEQ 11**

IP review : *dates* .....

**Subsidiary Form**

**Completed**  
**Initials**      **Date**  
**File**  
**ref**

Ensure that this is drawn to the attention of creditors when notifying of the outlays and remuneration determined

--	--

11. Ensure the creditors and the debtor are advised of any determination issued and of their rights of appeal as soon as possible after any determination is received

--	--

12. Not later than 8 weeks after the accounting period end, any creditor or the debtor (if they have a financial interest in the outcome) may appeal any determination issued by the Commissioners or the Accountant in Bankruptcy to the Accountant in Bankruptcy or court (as appropriate). Notice of the intention to appeal must be given to the trustee

--	--

13. If fees fixed by the Commissioners or Accountant in Bankruptcy are insufficient, consider whether an appeal is to be made to the Accountant in Bankruptcy or court (as appropriate)

--	--

14. Where the trustee has a fee agreement with any secured creditor, ensure that fee requests are approved by the secured creditor and details of any remuneration approved and paid are disclosed in any relevant report to commissioners. Any payments made should also be detailed in the supporting Receipts and Payments and be SIP 7 compliant

--	--

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**



**SEQUESTRATION - CASE REVIEW  
DISTRIBUTION TO CREDITORS**

**SEQ 12**

IP review : *dates* .....  
.....

**Subsidiary Form**  
**Completed**

**File**      **Initials**      **Date**  
**ref**

**SECURED CREDITORS**

1. If any assets subject to a Standard Security are sold, ensure that their proceeds of sale have been accounted for to the Standard Security holder

--	--

**PREFERENTIAL CREDITORS**

2. Ensure that all preferential claims have been lodged

--	--

**ORDINARY CREDITORS**

3. Confirm that the initial list of creditors has been checked to ensure that all claims have been received

--	--

4. Confirm that creditors' claims have been verified and adjudications issued

--	--

5. Confirm that where claims have been received after 120 days from the notice issued to creditors of the intention to call or not call a statutory meeting, or 120 days from notice being given to submit a claim where the creditor was not notified of the decision regarding the statutory meeting, that consideration of whether there are exceptional circumstances for a claim not to have been submitted have been recorded and conclusion documented

--	--

6. Confirm that any appeals have been resolved

--	--

7. Confirm that all tax, VAT and other liabilities of the appointee have been paid or provided for in the scheme of division

--	--

8. If a creditor petitioned for sequestration confirm that the petitioning creditor's expenses have been settled or are provided for

--	--

9. Confirm that where there are no commissioners that adjudications have been approved by the Accountant in Bankruptcy

--	--

10. Confirm that notice of the dividend payment has been made in accordance with current legislation

--	--

11. Confirm that a list of claims showing the classes of creditors and the dividends due thereon has been prepared and filed

--	--

**SEQUESTRATION - CASE REVIEW  
DISTRIBUTION TO CREDITORS**

**SEQ 12**

IP review : *dates* .....

**Subsidiary Form**

**Completed**  
**Initials**      **Date**

**File**  
**ref**

**DISTRIBUTIONS**

12. In respect of each accounting period, consider whether there are sufficient funds to permit a dividend distribution to any class of creditor, having made an allowance for future contingencies and any trustee's fees and outlays still to be paid

Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	

--	--

13. Where a dividend is payable, confirm that the dividend is paid immediately after the expiry of 8 weeks from the accounting period end

Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	

--	--

**SEQUESTRATION - CASE REVIEW  
DISTRIBUTION TO CREDITORS**

**SEQ 12**

IP review : *dates* .....  
 .....  
 .....

**Subsidiary Form**  
**Completed**  
**Initials**      **Date**

**File**  
**ref**

14. Confirm that any uncashed cheques are consigned to the Accountant in Bankruptcy

Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	
Reviewed on:	

--	--

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

**SEQUESTRATION - CASE REVIEW  
DISTRIBUTION TO CREDITORS**

**SEQ 12**

IP review : *dates* ..... ..

	<u>Subsidiary Form</u>	
	<u>Completed</u>	
<u>File</u>	<u>Initials</u>	<u>Date</u>
<u>ref</u>		

**SEQUESTRATION - CASE REVIEW  
DISCHARGE OF THE DEBTOR**

**SEQ 13**

IP review : *dates* .....

**Subsidiary Form**

**Completed**  
**Initials**      **Date**  
**File**  
**ref**

**WHERE DEBTOR CANNOT BE TRACED**

1. Confirm and document that reasonable enquiries have been made to trace the whereabouts of the debtor
2. Document reasons why the trustee has been unable to comply with functions in accordance with section 50 of the Act
3. Confirm that a deferral notice has been issued to
  - the debtor at their last known address
  - to every known creditor
4. Confirm that a deferral application has been made to the Accountant in Bankruptcy not earlier than 8 months nor later than 10 months after the date of award of sequestration

--	--

--	--

--	--

--	--

5. Consider whether an application to resign as trustee is to be made to the Accountant in Bankruptcy

--	--

*Note: the trustee will be unable to recover outlays or remuneration other than by way of a claim in the final distribution of a debtor's estate if the decision is taken to resign*

6. Confirm that the Accountant in Bankruptcy has recorded in the Register of Insolvencies that a certificate has been issued deferring indefinitely the debtor's discharge

--	--

7. Where the debtor is subsequently traced or makes contact, and no application to resign has been made, confirm that a report (Appendix N) is submitted to the Accountant in Bankruptcy without delay following the period of 10 months from the earlier of the date when the debtor was traced or made contact. (complete section – Where debtor has been traced)

--	--

**WHERE DEBTOR HAS BEEN TRACED**

8. Document consideration of whether the debtor has met their obligations and has co-operated with the administration of the sequestration
9. Confirm that the trustee has carried out all functions required to date
10. Confirm that a report (Appendix N) has been issued to the Accountant in Bankruptcy without delay following the period of 10 months from the date of award of sequestration

--	--

--	--

--	--



**SEQUESTRATION - CASE REVIEW  
DISCHARGE OF THE DEBTOR**

**SEQ 13**

IP review : *dates* .....  
 .....  
 .....

**Subsidiary Form**

**Completed**  
**Initials**      **Date**  
**File**  
**ref**

11. Confirm that a copy of the report, together with a notice informing of the right to make representation to the Accountant in Bankruptcy within 28 days, is given to:

- the debtor
- every known creditor

--	--

12. If a request for review of the decision of the Accountant in Bankruptcy is made, consider whether any appeal to the sheriff is to lodge in respect of the review decision

--	--

13. Confirm that the Accountant in Bankruptcy has recorded details of the debtor's discharge in the Register of Insolvencies

--	--

14. Where the Accountant in Bankruptcy decides against discharging the debtor, confirm that a copy of the notification of the refusal is issued to every known creditor no later than 7 days after receipt of the refusal notification

--	--

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

**SEQUESTRATION - CASE REVIEW  
DISCHARGE OF THE DEBTOR**

**SEQ 13**

IP review : *dates* ..... ..

	<u>Subsidiary Form</u>	
	<u>Completed</u>	
<u>File</u>	<u>Initials</u>	<u>Date</u>
<u>ref</u>		

**SEQUESTRATION - CASE REVIEW  
CONCLUDING THE SEQUESTRATION**

**SEQ 14**

IP review : *dates* .....  
.....

**Subsidiary Form**

**Completed**  
**Initials**      **Date**  
**File**  
**ref**

**GENERAL**

1. Confirm arrangements have been made for transfer/disposal/storage of Company books and records
2. Confirm that all liabilities of the trustee, including tax and VAT, have been paid or that provision for settlement has been made. Ensure that any required tax clearance is obtained
3. Check all insurances are terminated and any premiums repaid where appropriate
4. Check the files to ensure that there are no outstanding items to be dealt with
5. Confirm that all assets capable of being realised have been realised
6. Confirm that agreement to abandoning assets has been obtained
7. Confirm that any appeals have been resolved
8. Confirm that all directions issued by the Accountant in Bankruptcy relating to the administration of the sequestration have been complied with
9. Confirm that any unclaimed dividends/uncashed dividend payments have been consigned to the Accountant in Bankruptcy
10. Ensure all bank accounts are reconciled and closed


**DISCHARGE OF THE TRUSTEE**

11. Confirm that the final intromissions have been sent to creditors and to the Accountant in Bankruptcy.
12. Confirm that all relevant documents have been filed in the Sederunt file
13. Confirm that the Sederunt file has been lodged in electronic format with the Accountant in Bankruptcy
14. Confirm that notice of application for discharge, and advising them of their right to make written representations to the Accountant in Bankruptcy in respect of the application, have been sent to:
  - the debtor
  - all known creditors




**SEQUESTRATION - CASE REVIEW  
CONCLUDING THE SEQUESTRATION**

**SEQ 14**

IP review : *dates* .....  
.....

**Subsidiary Form**  
**Completed**  
**Initials      Date**

File  
ref

**CONCLUSION**

- 15. Confirm that the date of closure has been included in the Bordereau
- 16. Confirm that the case records show and explain the administration of the case and that all decisions which materially affect the case have been recorded
- 17. Deal with debtor's books and records and store Trustee's papers and files

<u>Completed</u>	
<u>Initials</u>	<u>Date</u>

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

**SEQUESTRATION - CASE REVIEW  
CONCLUDING THE SEQUESTRATION**

**SEQ 14**

IP review : *dates* ..... ..

	<u>Subsidiary Form</u>	
	<u>Completed</u>	
<u>File</u>	<u>Initials</u>	<u>Date</u>
<u>ref</u>		

**SEQUESTRATION - CASE REVIEW**  
**SIX MONTHLY REVIEW AND ACCOUNTS**  
*(To be completed and filed every six months)*

**SEQ 15**

IP review : dates .....  
 .....  
 .....

**Subsidiary Form**  
**Completed**

**File**      **Initials**      **Date**  
**ref**

1. Confirm the adequacy of the specific cover (bond/bordereau)

Value of assets to be covered	£
Level of cover in place at review date	£
Increase instructed	£

--	--

2. Consider whether the debtor is co-operating. If not, consider whether it is necessary to commence action in accordance with s215 or s118 (private examination)

--	--

3. Confirm that receipts and payments accounts are up to date:

Last accounts to \_\_\_\_\_ were lodged on \_\_\_\_\_  
 O/S accounts \_\_\_\_\_ lodged on \_\_\_\_\_

--	--

4. Confirm, where necessary, that the necessary permissions to shorten/lengthen accounting periods have been obtained prior to expiry of the account to which the application relates

--	--

5. Confirm that funds are on interest bearing account or that group interest arrangements are in place

--	--

6. Confirm that unrealised assets have been reviewed, follow up action required is noted as follows

Asset                      Action

--	--

7. Matters brought forward have been reviewed

Matter                      Action

--	--



**SEQUESTRATION - CASE REVIEW**  
**SIX MONTHLY REVIEW AND ACCOUNTS**  
*(To be completed and filed every six months)*

IP review : *dates* .....

**Subsidiary Form**

**Completed**

**File**                      **Initials**                      **Date**  
**ref**

8. Confirm that VAT and tax returns are up to date and that payments/repayments have been actioned

--	--

9. Confirm the adequacy of the debtor's contributions

--	--

10. Confirm that a current status report has been issued to the debtor

--	--

11. Confirm that the debtor's conduct has been reviewed and commented upon in writing

--	--

12. Confirm status of preferential claims:

Employee claims	Agreed / Paid	Yes / No
RPO claims	Agreed / Paid	Yes / No
Other preferential claims	Agreed / Paid	Yes / No

--	--

13. Confirm that dividend payment has been made immediately after 8 weeks of the period end where sufficient funds exist taking account of future contingencies

--	--

14. Confirm status of all other case review forms and work programmes

--	--

15. Confirm that any directions given by the Accountant in Bankruptcy have been complied with, or that a review application has been made to the Accountant in Bankruptcy within 14 days (and where appropriate any subsequent appeal to the sheriff has been made within 14 days of the review decision)

--	--

16. Confirm that where a review application, or subsequent appeal to the sheriff, against directions has been made and the review or appeal has been dismissed or withdrawn by the trustee that the directions have been complied with as soon as possible after the review application or appeal being dismissed or withdrawn

--	--

17. Confirm that the Sederunt File (per Schedule 5 of the Act) is up to date

--	--

18. Confirm that the case records show and explain the administration of the case and that all decisions that materially affect the case have been recorded

--	--

19. Consider whether Inhibition requires to be renewed

--	--

**SEQUESTRATION - CASE REVIEW  
SIX MONTHLY REVIEW AND ACCOUNTS  
(To be completed and filed every six months)**

**SEQ 15**

IP review : *dates* ..... ..

**Subsidiary Form**  
**Completed**  
**File**      **Initials**      **Date**  
**ref**



**SEQUESTRATION - CASE REVIEW  
SIX MONTHLY REVIEW AND ACCOUNTS  
(To be completed and filed every six months)**

**SEQ 15**

**IP review : dates** .....  
.....

**Subsidiary Form**

**Completed**

**File**  
**ref**

**Initials**

**Date**

**Fees**  
20. Fees and outlays applied for during review period:  
Fees: £..... Outlays:.....

--	--

21. Confirm compliance with SIP9 (Scotland) re remuneration of Office Holder and in line with statutory process of approval

--	--

22. Matters carried forward:

--	--

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

**SEQUESTRATION - CASE REVIEW  
SIX MONTHLY REVIEW AND ACCOUNTS**  
*(To be completed and filed every six months)*

**SEQ 15**

IP review : *dates* ..... ..

**Subsidiary Form**  
**Completed**  
**File**      **Initials**      **Date**  
**ref**

**SEQUESTRATION - CASE REVIEW  
DISCOVERY OF ASSETS AFTER TRUSTEE'S DISCHARGE**

**SEQ 16**

**Subsidiary Form  
Completed  
Initials      Date**

**File  
ref**

1. Confirm that the date of sequestration is within the last 5 years

--	--

2. Confirm that the newly identified estate has a value of £1,000 or more

--	--

*“Newly identified estate” means any part of a debtor’s estate that would have vested in the trustee but which was not known to the trustee before obtaining their discharge*

3. Consider and document the estimated outlays and remuneration involved with realising and distributing any newly identified estate

--	--

4. Consider and document the estimated additional distribution to creditors should the newly identified estate be realised

--	--

5. Consider whether an application for reappointment as trustee is to be made

--	--

**WHERE APPLICATION FOR REAPPOINTMENT IS TO BE MADE**

6. Confirm that an application has been made for reappointment as soon as practicable

--	--

**WHERE NO APPLICATION FOR REAPPOINTMENT IS TO BE MADE**

--	--

8. Confirm that the Accountant in Bankruptcy has been notified of the details of any newly identified estate and its value

--	--

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**



**SEQUESTRATION - CASE REVIEW  
APPLICATION FOR RECALL**

**SEQ 17**

**Subsidiary Form**

**Completed**

**Initials**

**Date**

**File  
ref**

*Where the debtor has paid, or is able to pay their debts in full, an application for recall may be made to the Accountant in Bankruptcy by:*

- *the debtor*
- *any creditor*
- *the trustee*
- *any other person having an interest*

**APPLICATION BY ANY PERSON**

1. Prepare and document the claim for outlays and remuneration as interim trustee and/or trustee, including those outlays or remuneration still to be incurred
2. Confirm the debtor has been notified of the claim for outlays and remuneration and document whether the debtor has agreed or not agreed to the claim
3. Confirm and document whether the debtor's debts have been paid in full (including the claim for outlays and remuneration)
4. Where the debts have not been paid in full, document details of any debts not yet paid. Consider and document reasons for concluding whether the debtor's assets are likely to be sufficient to pay the debts in full (including claim for outlays and remuneration)
5. Confirm that an updated statement is prepared and submitted where the debtor has paid their debts in full and the previously issued statement did not contain that statement and the Accountant in Bankruptcy has not issued a determination in relation to an application
6. Confirm that where a statement is to be issued indicating that the claim for outlays and remuneration has not been agreed by the debtor that details of the claim for outlays and remuneration, together with an account of intromissions with the debtor's estate is submitted to the Accountant in Bankruptcy along with the statement

--	--

--	--

--	--

--	--

--	--

--	--

**APPLICATION BY PERSON OTHER THAN TRUSTEE**

7. Confirm that notice of the application has been given to every known creditor within 7 days of notice being given to the trustee of the application and notification of right to make representation
8. Confirm that a statement of the debtor's affairs has been sent to the Accountant in Bankruptcy within 21 days of notice of application for recall having been given

--	--

--	--

**SEQUESTRATION - CASE REVIEW  
APPLICATION FOR RECALL**

**SEQ 17**

**Subsidiary Form**

**Completed**

**File  
ref**

**Initials**

**Date**

9. Confirm that, where necessary, an amended statement of the debtor's affairs has been prepared, taking account of all claims lodged up to and including 14 days from the notice given by the trustee to all known creditors no later than 21 days from the date notice was given by the trustee to all known creditors

--	--

**APPLICATION BY TRUSTEE**

10. Confirm that a copy of the application together with statement of the debtor's affairs has been issued to the Accountant in Bankruptcy
11. Confirm that a copy of the application has been sent within 7 days to every known creditor

--	--

--	--

Reviewed and agreed  
Completed by:

**Manager**

**Date**

**Appointee**

**Date**

**Forms prescribed by the Bankruptcy (Scotland) Regulations 2016**

Form 1	Debtor Application
Form 2	Certificate for Sequestration
Form 3	Debtor Application (Trust, Partnership etc.)
Form 4	Statement of Assets and Liabilities (Trusts, Partnerships etc.)
Form 5	Statutory Demand for Payment of Debt
Form 6	Oath by Creditor
Form 7	Form of Schedule of Award of Sequestration on Application by Debtor or Executor
Form 8	Form of Refusal of Award of Sequestration
Form 9	Notice of Award of Sequestration to the Keeper
Form 10	Statement of Assets and Liabilities Petition by creditor or trustee under a trust deed
Form 11	Statement of Claim by Creditor
Form 12	Form of Undertaking to act as Trustee in Sequestration on the Application of a debtor
Form 13	Statement of Undertakings
Form 14	Trustee Application for Authority to Resign Office as Trustee in Sequestration
Form 15	Notice of Abandonment of Heritable Property by Trustee in Sequestration where Accountant in Bankruptcy is not the Trustee
Form 16	Notice of Abandonment of Heritable Property where the Accountant in Bankruptcy is the Trustee
Form 17	Debtor Contribution Order (Debtor Application)
Form 18	Debtor Contribution Order (Petition for Sequestration)
Form 19	Deduction from Income – Debtor’s payment instruction to employer or third person
Form 20	Deduction from Income – Trustee’s payment instruction to employer or third person
Form 21	Deduction from Income – Payment variation instruction to employer or third person

Form 22	Notice of Proceedings by Trustee to Obtain Authority in Relation to Debtor's Family Home
Form 23	Debtor's Account of Current State of Affairs
Form 24	Notice by Trustee: Public Examination of the Debtor or a Relevant Person
Form 25	Debtor Certification of Discharge (where Accountant in Bankruptcy is not the trustee)
Form 26	Debtor Certificate of Discharge (where the Accountant in Bankruptcy is the trustee)
Form 27	Debtor Certificate of Discharge (debtor to whom section 2(2) applies)
Form 28	Deferral Notice
Form 29	Application for Deferral
Form 30	Certificate of Deferral of Discharge
Form 31	Trustee Application for Authority to Resign Office: debtor not traced
Form 32	Notice granting Trustee Authority to Resign Office
Form 33	Moratorium – Notice of Intention to Apply
Form 34	Moratorium – Notice of Intention to Apply (Trust, Partnership, etc.)

**Forms prescribed by The Bankruptcy (Applications and Decisions) (Scotland) Regulations 2016**

Form 1	Application to Accountant in Bankruptcy: general
Form 2	Application for direction under section 52(2)
Form 3	Application for review by the Accountant in Bankruptcy: general
Form 4	Report of statutory meeting appointing replacement trustee: section 60(2)(a)
Form 5	Grant of removal of trustee: section 70(1)(b)
Form 6	Conversion of protected trust deed into bankruptcy: section 190 application
Form 7	Conversion of protected trust deed into bankruptcy: section 192 award

**Forms prescribed by the Act of Sederunt (Sheriff Court Bankruptcy Rules) 2016**

Form 6.1-A Schedule 1	Form of petition for sequestration
Form 6.1-B Schedule 1	Form of undertaking by prospective trustee
Form 6.2 Schedule 1	Form of debt payment programme and moratorium on diligence statement
Form 6.3-A Schedule 1	Form of citation
Form 6.3-B Schedule 1	Form of certificate of citation
Form 7.1-A Schedule 1	Form of application under the Bankruptcy (Scotland) Act 2016
Form 7.1-B Schedule 1	Form of application for direction under the Bankruptcy (Scotland) Act 2016
Form 7.5 Schedule 1	Form of report by the original trustee under s49(8) or s4(9) of the Bankruptcy (Scotland) Act 2016
Form 9.1 Schedule 1	Form of note of appeal to Sheriff
Form 12.3 Schedule 1	Notice of peremptory hearing
Form 14.2-A Schedule 1	Child witness notice
Form 14.2-B Schedule 1	Vulnerable witness application
Form 14.2-C Schedule 1	Application for review of arrangements for vulnerable witness
Form 16.3 Schedule 1	Representations about a proposed order restricting the reporting of proceedings
Form 16.5 Schedule 1	Application for variation or revocation of an order restricting the reporting of proceedings



**Forms for use in Register of Inhibitions**

Form A  
Schedule 2

Form of memorandum by trustee under s26(6) of the Bankruptcy  
(Scotland) Act 2016

Form B  
Schedule 2

Form of memorandum by trustee under s26(8) of the Bankruptcy  
(Scotland) Act 2016

***The Accountant in Bankruptcy periodically issues guidance notes for trustees which include a number of appendices and other forms for the use of Trustees. Members should refer to the guidance notes.***