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**Entity Application Pack**

Bankruptcy (Scotland) Act 2016

November 2016

# Filling in the Application Form

This form should be completed in **BLACK INK** and **CAPITAL LETTERS** throughout. We may not be able to process the application if you do not answer each question fully or we cannot read your answers.

This pack contains 4 forms as prescribed by the Bankruptcy (Scotland) Regulations 2016. These are:

**Form 3** Debtors application (trusts, partnerships etc.)   
This should be completed, signed and dated for all applications.

**Form 4** Statement of assets and liabilities (trusts, partnerships etc).  
This should be completed for all application.

**Form 6** Oath by creditor   
This should be completed by the creditor, signed and dated for all applications where apparent insolvency has not been evidenced.

**Form 12**  Form of undertaking to act as trustee.   
This should only be completed if you do not wish the Accountant in Bankruptcy to administer the bankruptcy.

## When to use this Application Pack

This pack should be used if you are a trust, a partnership (including a dissolved partnership), a body corporate or an unincorporated body (but not a limited company) and a limited partnership (including a dissolved partnership) within the meaning of the Limited Partnership Act 1907.

If you are an individual applying for your own bankruptcy you should use the ‘Bankruptcy Application Pack.’

For ease in completing this application all of the organisations listed in the first paragraph will be referred to as ‘the entity’ or the ‘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 2016, or take advice.

## The Application Fee

There is a non-refundable £150 fee for your application. This can be paid by cheque, postal order, at your local bank, over the phone by debit card or in person at our office. Further information on how to make payment is included under payment information**.**

**There are no exemptions or waivers for this fee.**

## The Consequences of Bankruptcy

The Accountant in Bankruptcy cannot offer advice on what action you should take regarding your finances.

You can get help, advice and information on how to deal with debt, including the Debt Arrangement Scheme, Trust Deeds or whether you should apply for bankruptcy from The Citizens Advice Bureaux, Money Advice Scotland and other advice agencies. They may also be able to help you complete this application form.

**Citizens Advice Scotland**

0131 550 1000

www.cas.org.uk

**Money Advice Scotland**

0141 572 0237

[www.moneyadvicescotland.org.uk](http://www.moneyadvicescotland.org.uk)

**StepChange**

0800 131 11 11

[www.stepchange.org](http://www.stepchange.org)

We strongly advise that you read the advice leaflet [Debt Advice and Information Package](https://aib.gov.uk/publications/debt-advice-and-information-package).

This booklet is available from money advice centres, Citizens Advice Scotland, and can be found on the AiB website.

## Submitting your application

You can hand in or post your completed application, supporting documentation and application fee (or bank payment receipt) to us at the following address:

Insolvency Registration Team

Accountant in Bankruptcy

1 Pennyburn Road

Kilwinning

KA13 6SA

**Office opening times** are 9.00am to 4.30pm Monday to Friday. The office is not open to the public on Saturdays or Sundays and is closed for certain public holidays. Information regarding opening times can be found on our website [www.aib.gov.uk](http://www.aib.gov.uk).

## Responding to your application

We will normally respond to your application within 5 working days of receipt. If you have not heard from us within this time please contact our Insolvency Registrations team on 0300 200 2850.

PLEASE NOTE: We will only be able to process application which are completed in their entirety and submitted with all relevant additional documentation.

**No application will be processed without full payment.**

## Data Protection Statement

We are committed to protecting your privacy in line with the Data Protection Act 1998.

Any personal information provided to us will be used to discharge our statutory functions under the Bankruptcy (Scotland) Act 2016 and other relevant legislation.

We (or an agent acting on our behalf) may also contact you to discuss your experience of using our service as part of our ongoing commitment to customer service. Sensitive personal information will not be disclosed to a third party except in special circumstances as provided by legislation. With this in mind, we are unable to discuss your application with a third party unless you provide us with a signed mandate authorising us to do so.

A full copy of our Data Protection Policy is available on request.

**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 this application form.

## Payment information

A payment of £150 is required when submitting this application. Full payment is required before any application is processed.

There is an option to complete this application online which is a quicker, more efficient, process. If you would prefer to complete the application on line and pay the fee electronically then please contact the Accountant in Bankruptcy on 0300 200 2600. You will then be given log in details to our online system BASYS which will enable you to complete the form on line.

Payment options for manual applications are:

* By paying in cash at the reception desk at the Accountant in Bankruptcy
* Payment by cheque. Your cheque should be clearly marked on the back with your name and address and be submitted with your application form to the following address.

AiB – Debtor Application Team

1 Pennyburn Road

Kilwinning

Ayrshire

KA13 6SA

* You may also submit payment receipts from the Royal Bank of Scotland. This will allow you to make smaller more manageable payments. You must ensure that the bank provides a receipt for all individual payments. All of your receipts should be submitted with this application form. Payment can be made at any Royal Bank of Scotland branch into the following account.

Sort Code – 830608 Account Number – 11 44 46 55

# ENTITY APPLICATION PACK

## Form 3

### Entity Application Form Completion Guidance - Form 3 – Section 1

The information on this page will help you complete the form.

Enter the full name of the entity.

Enter the type of entity, for example, trust, partnership etc.

Enter the address of the entity(please note separate lines have been provided for town and postcode).

Enter the contact telephone number for the entity.

Enter the e-mail address if applicable.

Enter the fax number if applicable.

Form 3

**Debtor Application (Trust, Partnership, etc.)**

Bankruptcy (Scotland) Act 2016

Section 6(3)(a), (4)(b) and (7)(a)

## Section 1 – The Entity

Name of the entity

Type of entity

Address of entity

Town

County

Postcode

Contact telephone number

Other contact number

E-mail address

Fax

### Entity Application Form Completion Guidance - Form 3 – Section 2

The information on this page will help you complete the next section.

Enter your title.

Enter your Surname.

Enter your first name followed by any middle name(s).

Enter your home address (please note separate lines have been provided for town and postcode).

Enter your contact telephone number(s).

Enter your e-mail address.

State your relationship to the entity.

## Section 2 – You

Title (Mr, Mrs, Miss, Ms etc)

Surname

First and middle name(s)

Home address (house name/number & street)

Town

County

Postcode

Daytime contact number

Evening contact number

E-mail address

Your relationship to the entity

### Entity Application Form Completion Guidance - Form 3 – Section 3

The information on this page will help you complete the next section.

State if the entity had moved business address in the past 3 years by ticking the relevant box.

If you have answered ‘Yes’ then you must complete the details of the previous address using the boxes provided (please note there are separate boxes provided for town and postcode.

Enter the dates the entity was associated at that address.

State if the entity has ever obtained credit from any other address not mentioned in section 1 or 3 by ticking the relevant box.

If you have answered ‘Yes’ then please give details of that address (please note there are separate lines available for town and postcode).

Enter the dates the entity was associated at that address.

## Section 3 – Previous Business addresses

Has the business moved addresses in the past 3 years?

Yes

No

If you have answered “Yes” above please give further details

Previous address

Town

County

Postcode

Dates

Has the business ever obtained credit from any other address not stated in section 1 or 3?

Yes

No

If you have answered “Yes” above please give further details

Address (where credit was obtained)

Town

County

Postcode

Dates

### Entity Application Form Completion Guidance - Form 3 – Section 3 (continued)

The information on this page will help you complete the next section.

Indicate if the entity has ever had a business address or traded anywhere outside Scotland by ticking the relevant box.

If you have answered ‘Yes’ you must state which country and dates apply.

Indicate if the entity has ever been subject to bankruptcy proceedings in any country outside Scotland by ticking the relevant box.

If you have answered ‘Yes’ you must state which country and dates apply.

There is a space provided for any other relevant information regarding previous business address that you wish to inform us about.

### Section 3 (continued) – Previous Business addresses

Has the entity ever had a business address or traded anywhere outside Scotland?

Yes

No

If you have answered “Yes” above then please give details below.

Country

Dates

Has the entity ever been subject to bankruptcy proceedings in any country outside Scotland?

Yes

No

If you have answered “Yes” above then please give details below.

Country

Dates

Any additional information relevant to previous business addresses.

### Entity Application Form Completion Guidance - Form 3 – Section 4

The information on this page will help you complete the next section.

Enter the name of the concurring creditor (if applicable).

Enter the position they have within the company (if applicable).

Enter their address (please note there is separate boxes provided for town and postcode).

Enter the amount the entity owes to this creditor.

The next section must be completed by the concurring creditor if the previous details in section 4 have been completed.

## Section 4 – Concurring Creditor (if applicable)

Name of concurring creditor

Position (if they are agreeing on behalf of the firm, company etc)

Address

Town

County

Postcode

Amount owed to the creditor from the entity

**This section must be completed by the concurring creditor**

I am the creditor identified above.

I am owed the sum specified in the Form 6 Oath by Creditor

I have read the notes on the previous page.

I concur in this application.

Signed

Status

Date

### Entity Application Form Completion Guidance - Form 3 – Section 5

The information on this page will help you complete the next section.

Please indicate if you wish to nominate a trustee by ticking the relevant box.

If you have selected ‘Yes’ you must complete the name and address of the nominated trustee in the boxes provided (please notes there are separate boxes provided for town and postcode).

The applicant declaration does not form part of the statutory form and is, therefore, not a statutory requirement.

## Section 5 – Nominating a Trustee

Do you wish to nominate an Insolvency Practitioner to be the trustee?

Yes

No

If “Yes” please complete the details below.

Name of nominated trustee

Address

Town

County

Postcode

If you have chosen to nominate a trustee, ensure that Form 12 is completed and returned with this application.

### Applicant Declaration

I agree to the entity named in section 1.1 of Form 3 being made bankrupt under section 6 of the Bankruptcy (Scotland) Act 2016 (“the Act”) and certify that the information I have supplied on Form 3 is true, complete and accurate to the best of my knowledge and belief.

I confirm that I am qualified to submit an application for the bankruptcy of the entity named in section 1.1 of Form 3 in accordance with section 6 of the Act.

Signature

Date

# ENTITY APPLICATION PACK

## Form 4

### Entity Application Form Completion Guidance – Form 4

The information on this page will help you complete the next section.

Enter the full name of the entity.

Enter the type of entity, for example, trust, partnership etc.

Enter the address of the entity. Please note separate lines have been provided for town and postcode.

Enter the name of the person we should contact regarding the entity’s application for bankruptcy and give their full address (please note separate lines have been provided for town and postcode).

Enter the contact’s telephone number including the area code if applicable.

You must enclose a copy of the hire purchase, finance or credit agreement when submitting this application.

Provide details of what the motor vehicle is used for.

Form 4

## Statement of Assets and Liabilities

**(Trusts, Partnerships etc.)**

Bankruptcy (Scotland) Act 2016 Section 6(9) and 8(3)(a) as applied by that section

**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 this form.

Name of the entity

Address

Town

County

Postcode

Contact name

Contact address

Town

County

Postcode

Daytime contact number

Evening contact number

### Entity Application Form Completion Guidance - Form 4 - income

The information on this page will help you complete the next section.

Indicate if the entity receives an income by ticking the relevant box.

If you answer “Yes”, complete the table giving details of any income the entity receives. For example: grants, lottery, money from trusts etc.

Enter the address from where this income comes, the frequency of the payments such as weekly, monthly, fortnightly etc, and the amount the entity receives.

## Form 4 - Statement of Assets and Liabilities

Is the entity currently receiving any income?

Yes

No

If “Yes” please enter details below of any income received.

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of income** | **Name & address of income source** | **Frequency** | **Gross income (£)** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

### Entity Application Form Completion Guidance – Form 4 - premises

The information on this page will help you complete the next section.

Indicate if you are a licensee holder (licence holder) under the licensing legislation, the licensing (Scotland) Act 2005. This includes a premises of personal licence. You should select “Yes” if you are involved in the licenced trade for example, if you own a pub and there is a tenant who owns a licence.

Indicate if the entity owns a motor vehicle by ticking the relevant box. ‘motor vehicle’ includes: car, van, motorbike, moped and truck.

If you select “Yes” then complete the table giving details of the make and model of the vehicle(s), the current mileage, the registration number and the estimated value. Please also give details of the hire purchase or finance company if applicable.

Provide details of all motor vehicles owned by the entity.

You must enclose a copy of the hire purchase, finance or credit agreement when submitting this application.

Provide details of what the motor vehicle is used for.

## Form 4 - Statement of Assets and Liabilities - premises

Do you currently hold a premises or personal licence under the Licensing (Scotland) Act 2005 or are you involved in licenced trading?

Yes

No

Does the entity own a motor vehicle?

Yes

No

Provide details of all the motor vehicles owned by the entity.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Make and model** | **Current mileage** | **Registration number** | **Estimated value (£)** | **HP or finance company (if applicable)** |
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You **MUST** enclose a copy of any Finance agreement with this form.

Please provide details below of what the vehicle(s) are used for.

### Entity Application Form Completion Guidance – Form 4 – possessions

Indicate if the entity has any other possessions, other than the motor vehicle, which is subject to hire purchase or credit agreement by ticking the relevant box.

If you select “Yes” then complete the table giving details of the hire purchase of credit company, a description of the item in possession, the date purchased, the term of the agreement and the estimated value of the item.

Indicate if the entity has any possessions, which are not subject to a hire purchase or credit agreement by ticking the relevant box. Item to consider are: satellite equipment, caravans, boats, video recording equipment, tools, fixtures and fittings, electrical goods, paintings, sports equipment etc.

If you have selected “Yes” then complete the table giving a description of the item, date the item was purchased and an estimated value.

## Form 4 - Statement of Assets and Liabilities – possessions

Are any of the entity possessions, other than the motor vehicle, subject to hire purchase or credit agreement?

Yes

No

If “Yes” enter details of these possessions and the agreement below.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Hire purchase or finance company** | **Possession description** | **Date purchased** | **Term of agreement** | **Estimated value (£)** |
|  |  |  |  |  |
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|  |  |  |  |  |

Does the entity have any possessions which are not subject to a hire purchase or credit agreement?

Yes

No

If “Yes” enter details of the item(s) below.

|  |  |  |
| --- | --- | --- |
| **Possession description** | **Date purchased** | **Estimated value (£)** |
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### Form 4 - Statement of Assets and Liabilities – bank accounts

Indicate if the entity has a bank or building society account by ticking the relevant box.

If you have selected “Yes” then complete the table.

Enter the name and address of the bank or building society where the account is held.

Enter the name of the account.

Enter the account number.

Enter the sort code.

Enter the current balance of the account.

## Form 4 - Statement of Assets and Liabilities – bank account

Does the entity have a bank or building society account(s)?

Yes

No

If “Yes” please give details of the account(s) below.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name & address of bank or building society** | **Account name** | **Account number** | **Sort code** | **Balance (£)** |
|  |  |  |  |  |
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### Form 4 - Statement of Assets and Liabilities – other accounts

Indicate if the entity has a post office or credit union account by ticking the relevant box.

If you have selected “Yes” then complete the table.

Enter the name and address of the post office or credit union where the account is held.

Enter the name of the account.

Enter the account number.

Enter the sort code.

Enter the current balance of the account.

## Form 4 - Statement of Assets and Liabilities – other accounts

Does the entity have a post office, credit union or other type of account?

Yes

No

If “Yes” please give details of the account(s) below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Name & address of post office/credit union etc** | **Account name** | **Account number** | **Sort code** |
|  |  |  |  |
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### Form 4 - Statement of Assets and Liabilities – Policies and plans

Indicate if the entity has any assurance, endowment polices or saving plans by ticking the relevant box.

If you have selected “Yes” then complete the table.

Enter the type of policy or plan.

Enter the name and address of the company the policy/plan is with.

Enter the reference number for the policy/plan.

Enter the sum assured.

Enter the estimated surrender value of the policy/plan.

## Form 4 - Statement of Assets and Liabilities – policies and plans

Does the entity have any assurance policies, endowment policies or saving plans?

Yes

No

If “Yes” please give details of the account(s) below.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type of policy/plan** | **Name & address of company** | **Reference number** | **Sum assured** | **Estimated surrender value (£)** |
|  |  |  |  |  |
|  |  |  |  |  |
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### Form 4 - Statement of Assets and Liabilities – Stocks and bonds

Indicate if the entity has any investments such as stocks and shares, bonds, savings accounts or premium bonds by ticking the relevant box.

If you have selected “Yes” then complete the table.

Enter the type of investment.

Enter the name and address of the relevant company.

Enter the investment reference number.

Enter the estimated value.

## Form 4 - Statement of Assets and Liabilities – stocks and bonds

Does the entity have any investments, such as stocks, shares, bonds, saving certificate or Premium Bonds?

Yes

No

If “Yes” please enter details of the policies and savings plans below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of Investment** | **Name & address of company** | **Reference number** | **Value (£)** |
|  |  |  |  |
|  |  |  |  |
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### Form 4 - Statement of Assets and Liabilities – Business rent

Indicate if the entity rents the property they currently do business from by ticking the relevant box.

If you have selected “Yes” then complete the landlord and rental sections.

Enter the name of the landlord/property owner.

Enter the landlords/property owners address. (please note there are separate lines available for town and postcode).

Enter the name of the tenant(s) as they appear on the rental/tenancy agreement.

Enter the date the rental/tenancy agreement was signed.

Give any additional information you feel relevant regarding the rental of the property in the text box provided.

### Form 4 - Statement of Assets and Liabilities – business rent

Does the entity rent the property where it does business from?

Yes

No

If you have answered “Yes” above please complete the landlord and rental section below.

#### Landlord/Property Owners Details

Name

Address

Town

Postcode

#### Rental/Tenancy Agreement Details

Name(s) of tenancy/rental agreement

Date tenancy/rental agreement was signed

You must submit your rental or tenancy agreement or letter from the landlord with this form.

Any additional information regarding the rental of the property

### Form 4 - Statement of Assets and Liabilities – Entity property

Indicate if the entity owns the property where they currently do business from by ticking the relevant box.

If you have selected “Yes” then please complete the tables.

Enter the value of the property.

Enter the current value of the mortgage outstanding.

Enter the value of an any secured loan against the property outstanding.

Please indicate if the property is jointly owned but putting “Yes” or “No” in the end column.

If the property is jointly owned please provide the name and address of the other owner(s) in the box provided.

Enter the name and address of the mortgage/secure loan lender.

Enter the mortgage/account reference number if the mortgage or secured loan.

Enter the date the mortgage/loan was obtained.

Enter the total amount originally borrowed.

### Form 4 - Statement of Assets and Liabilities – entity property

Does the entity own the property where they do business from?

Yes

No

If you have answered “Yes” above please complete the section below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Total value** | **Mortgage outstanding** | **Secured loan outstanding** | **Jointly owned** |
| £ | £ | £ |  |

If the property listed above is jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

|  |  |  |
| --- | --- | --- |
| **Name and address of lender** | **Mortgage account number/lender ref number** | **Date loan was obtained** |
| Mortgage |  |  |
| Secured loan |  |  |

### Form 4 - Statement of Assets and Liabilities – Property

State if the entity whether wholly of jointly owns any property within Scotland or elsewhere by ticking the relevant box.

If you have selected “Yes” then please provide details of the property owned.

Enter the address of the property.

Enter the date the property was purchased.

If the property is jointly owned then please provide the name and address of the joint owner(s) in the box provided.

Enter the name and address of the mortgage/secure loan lender.

Enter the mortgage/account reference number of the mortgage or secured loan.

Enter the date the mortgage/loan was obtained.

Enter the total amount originally borrowed.

## Form 4 - Statement of Assets and Liabilities – property

Does the entity own, either wholly or jointly any other property within Scotland or elsewhere?

Yes

No

If Yes please provide details and address(es) of the properties.

|  |  |
| --- | --- |
| **Property address** | **Date property was bought** |
|  |  |
|  |  |

If the property listed above is jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

|  |  |  |
| --- | --- | --- |
| **Name and address of lender** | **Mortgage account number/lender ref number** | **Date loan was obtained** |
| Mortgage |  |  |
| Secured loan |  |  |

**Continue on a separate sheet of paper if necessary**

### Form 4 - Statement of Assets and Liabilities – Property outside Scotland

Indicate if the entity has ever owned a property or land in any other country outside Scotland in the last 5 years.

If you have answered Yes then please enter the property details in the table provided.

Enter the property address.

Enter the date the property was bought.

Enter the date the property was sold.

If the property listed was jointly owned then please provide the name and address of the joint owner(s) in the box provided.

## Form 4 - Statement of Assets and Liabilities – property outside Scotland

Has the entity previously owned and property or land in any other country outside Scotland in the past 5 years?

Yes

No

If “Yes” please give details below

|  |  |  |
| --- | --- | --- |
| **Property address** | **Date property was bought** | **Date property was sold** |
|  |  |  |
|  |  |  |

If the property listed above is jointly owned then please provide the name, and if different, the address of the joint owner(s) in the box below.

### Form 4 - Statement of Assets and Liabilities – Debt details

Enter the type of debt (eg. credit card, loan etc).

Enter the name and address of the creditor.

Enter the account/reference number relating to the credit.

Enter the approximate date the debt was obtained.

Enter the amount owed at present.

Enter the total amount the entity owes to all creditors in the space provided.

Now please sign, print and date the bottom of the page.

### Form 4 - Statement of Assets and Liabilities – debt details

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of debt** | **Name/address of creditor** | **Account/ reference number** | **Approximate date debt was obtained** |
|  |  |  |  |
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| --- | --- | --- | --- |
| **Type of debt** | **Name/address of creditor** | **Account/ reference number** | **Approximate date debt was obtained** |
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Total Debt Level

£

**NOW PLEASE SIGN THIS FORM**

**I certify that all the information supplied in this application is true, complete and accurate to the best of my knowledge and belief.**

Signed

Print

Date

**ENTITY APPLICATION PACK**

## Form 12

Form 12

### Form of Undertaking to act as Trustee in Sequestration on the Application of a Debtor

Bankruptcy (Scotland) Act 2016

Section 51(8) and (9)

This form should be completed by a qualified Insolvency Practitioner if:

1. a debtor applies for an award of sequestration under section 2, 5 or 6 of the Bankruptcy (Scotland) Act 2016,
2. the debtor nominated the Insolvency Practitioner to act as the trustee in the sequestration, and
3. the Insolvency Practitioner undertakes to so act.

**Undertaking**

Insert Insolvency Practitioner’s name

Insert business address

Town

County

Postcode

hold the necessary authorisation to act as an insolvency practitioner under Part 13 (insolvency practitioners and their qualification) of the Insolvency Act 1986 to enable me to act as a trustee in sequestration under the Bankruptcy (Scotland) Act 2016 (as amended).

Authorising professional body (or other authority)

I 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

### Sensitivity obligation

The Accountant in Bankruptcy has an obligation to advertise all awarded bankruptcies on the Register of Insolvencies (RoI) which is an on line public record of all insolvencies awarded in Scotland.

In some cases (e.g. witness protection) the Accountant in Bankruptcy will take any steps necessary to ensure that the address of a bankrupt entity is omitted from the RoI. In all such cases further evidence, supplied from the police or other professional body, to support the reason for this information being withheld must be submitted with this form.

I confirm that I have a legitimate reason for certain details being withheld or treated sensitively for the purpose of the RoI.

(only tick if applicable)

PLEASE GIVE DETAILS BELOW

**NOW PLEASE SIGN THIS FORM**

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

Signed

Print

Date

## ENTITY APPLICATION PACK

Form 6

Form 6

## OATH BY CREDITOR

Bankruptcy (Scotland) Act 2016

Section 19(1)

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.

In the case of an oath administered outside the U.K. see section 19(2)(b) of the Act.

1. Insert name and address of creditor
2. If applicable, insert name and address of authorised person acting on behalf of creditor

I do solemnly and sincerely swear/affirm that to the best of my knowledge and belief

1. Insert name and address of debtor

owes the creditor the sum of

1. Insert total amount of the debt or debts.

£

which is now payable and that the particulars of the debt or debts making up that sum, which are set out overleaf, are correct.

Sworn/affirmed at

1. Insert name, place and date oath is sworn.

1. Name and address and designation of person administering the oath or affirmation.

Signed (creditor/on behalf of creditor)

Signature of person administering the oath/affirmation

Form 6 - OATH BY CREDITOR

### Particulars of each debt

Note – Please provide details of each debt separately.

1. Amount of debt

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).

1. Details of debt

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

1. Evidence of debt

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.

1. Security for debt

Specify the nature and value of any security held in respect of the debt or debts. For the purpose of the application for bankruptcy, the value of any such security need not be deducted from the amount of the debt claimed.

Security is defined for the purpose of the Bankruptcy (Scotland) Act 2016 as meaning “any security, heritable or moveable, or any right of lien, retention or preference”.

## Checklist and Payment Information

This checklist has been created to ensure that you have completed and signed all relevant sections of the application before submitting it.

Please ensure that all of the following steps have been carried out before submitting your application to the Accountant in Bankruptcy.

The concurring creditor has signed section 4.4 of this form.

I have signed and dated the form 4.

I have enclosed the hire purchase /finance agreement for any motor vehicle that the entity own (if applicable).

I have paid the £150 fee in full or I have enclosed it with this application.

## Payment verification

Please verify the appropriate payment method used and give the payment reference number below.

I have paid using the following method:

Over the phone (must provide payment reference number below.

At my local RBS branch (must provide payment reference number below).

Cheque (enclosed with this form).

In person at the AiB office (must provide payment reference number below).

My Unique allocated payment reference number is

Signed

Date