

Statement of Claim by Creditor

Bankruptcy (Scotland) Act 2016
Sections 46(2)(a) and 122(9)(a)

WARNING

It is a criminal offence

- for a creditor to produce a statement of claim, account, voucher or other evidence which is false, unless the creditor shows that the creditor neither knew nor had reason to believe that it was false; or
- for a debtor who knows or becomes aware that a creditor has made a false statement to fail to report it to their trustee within one month of acquiring such knowledge.

On conviction either creditor or debtor may be liable to a fine and/or imprisonment.

Notes

(a) Insert name and address of debtor

Sequestration of the estate of

(a) _____

(b) Insert name and address of creditor

(b) _____

(c) Insert email address of creditor

(c) _____

(d) Insert name and address, if applicable, of authorised person acting on behalf of the creditor

(d) _____

(e) Insert details of any other proceedings in which a claim has been or is being submitted in respect of the debt or part of the debt and the amount claimed

(e) _____

(f) Insert total amount claimed in respect of all the debts, the particulars of which are set out overleaf.

I submit a claim of (f) £ _____ in the above sequestration and certify that particulars of the debt or debts making up that claim, which are set out overleaf, are true, complete and accurate, to the best of my knowledge and belief.

(g) Insert bank details of creditor

Account Name _____
Sort Code _____
Account Number _____

Signed _____
Creditor*/person acting on behalf of creditor

Date _____

PARTICULARS OF EACH DEBT

Notes

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

1. Describe briefly the debt, giving details of its nature, the date when it was incurred and when payment became due. Attach any documentary evidence of the debt, if available.

2. Insert total amount of the debt, showing separately the amount of principal and any interest which is due on the debt as at the date of sequestration. Interest may only be claimed if the creditor is entitled to it. Show separately the VAT on the debt and indicate whether the VAT is being claimed back from HM Revenue and Customs.

3. Specify and give details of the nature of any security held in respect of the debt including—
 - (a) the subjects covered and the date when it was given;
 - (b) the value of the security;

Note: The trustee may, at any time after 12 weeks from the date of sequestration, require a creditor to discharge a security or to convey or assign it to the trustee on payment of the value specified by the creditor.

- (c) whether the creditor is surrendering or undertakes to surrender the security.

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

4. In the case of a creditor who is a Member State liquidator, specify and give details of underlying claims in respect of which the Member State liquidator is claiming as creditor. Attach documentary evidence of debts.

5. A secured creditor must in calculating the total amount of the secured creditor’s claim deduct the value of any security as estimated by the secured creditor, unless the secured creditor surrenders it (see note 3(c) above).

1. Particulars of debt (including reference number)**2. Amount of debt****3. Security for debt****4. Underlying claims****5. Total amount of the debt**