

Form 5

Statutory Demand for Payment of Debt

Bankruptcy (Scotland) Act 2016
Section 16(1)(i)

Warning to person Receiving Demand	Please do not ignore this form
<p>If you do nothing in response to this demand, you could be made bankrupt and your property and goods taken away from you. Please read carefully this Demand and Notes for Debtors.</p> <p><u>Notes for Creditors</u> This form must be served personally on the debtor by a sheriff officer or messenger-at-arms. An additional copy of the Demand should also be given to the debtor at the same time.</p> <p>Insert name and address of debtor</p> <p>Insert name and address of creditor</p> <p>(a) Insert name and address of person completing the demand</p> <p>* Delete if creditor is completing demand (b) Insert name of creditor</p> <p>(c) Insert name of debtor * Delete as appropriate</p> <p>(d) Insert amount of debt(s) claimed. The total of the debt(s) must not be less than £1,500.</p>	<p>If you are in any doubt about what to do, you should seek advice immediately from a solicitor, insolvency practitioner, money adviser or a Citizens Advice Bureau.</p> <p>The Demand</p> <p>To _____ _____ _____</p> <p>From _____ _____ _____</p> <p>1. (a) I, _____ _____</p> <p>*being a person authorised to act on behalf of (b) _____ (the creditor)</p> <p>claim that as at the date of this Demand (c) you, _____ owe me/the creditor* the sum of</p> <p>(d) £ _____ (the sum demanded)</p>

(e) Describe the matters which led to the debt(s). If more space is needed please use a separate piece of paper.

(f) Insert the reasons why it is claimed that the debt(s) forming the subject of the Demand are liquid. A debt is liquid where it is for a certain settled amount and is immediately payable to the debtor. There must also be clear evidence of the existence of the debt, for example, a written admission by the debtor or a document which establishes the debt (such as a court decree or contract).

* Delete whichever does not apply

* Delete whichever does not apply

* Delete whichever does not apply

* Delete whichever does not apply

* Delete whichever does not apply

2. The sum demanded is in respect of (e) _____

3. The sum demanded is immediately payable and consists of a liquid debt or debts in that (f) _____

4. If you believe

- that you do not owe me/the creditor* the sum demanded or any part of it, or
- that you do not have to pay the sum demanded or any part of it immediately to me/the creditor*

you must **IMMEDIATELY** fill in the **DENIAL SLIP** at the end of this form (or a copy of it) and post it, or a letter to the same effect to the creditor by **RECORDED DELIVERY POST** so as to arrive within 3 weeks after the date of service of this Demand on you (this date is shown in the Docquet of Service below).

5. If, however, you accept

- that you owe me/the creditor* the sum demanded and
- that you have to pay the sum demanded immediately to me/the creditor*

you must, within the 3 week period mentioned in paragraph 4 above, pay it to me/the creditor* or find security for its payment.

6. If, within the 3 week period mentioned in paragraph 4 above, you have not taken the steps mentioned in either paragraph 4 or 5 above, you may be made bankrupt by the court, and your property and goods put into the hands of a trustee for the benefit of all your creditors.

Signed _____

Creditor * / on behalf of creditor

Date _____

DOCQUET OF SERVICE

Note

This Docquet of Service should be completed by the messenger-at-arms or sheriff officer and witness at the time of serving the demand upon the debtor. The Docquet of Service in the duplicate demand, which is also to be given to the debtor, should also be completed.

(a) Insert name and address of debtor

(b) Insert date of service. This is the date after which the period of three weeks mentioned in paragraphs 4-6 of the above Demand starts to run.

(c) Insert name and address of messenger at-arms or sheriff officer.

* delete whichever is not applicable

To (a) _____

You are served with the above Demand on (b) _____
by me,

(c) _____

in the presence of the witness who also signs below.

Signed _____
Messenger-at-arms/Sheriff Officer*

Date _____

Name and address of witness in BLOCK CAPITALS

Signed _____
Witness

DENIAL SLIP

To be completed in the circumstances described in paragraph 4 of the Demand Form or in the notes for Debtor 2 and 3.

Note You must fill in and sign this Denial Slip. Tear it off and post it **immediately** to the creditor by **RECORDED DELIVERY POST** to arrive within the three week period mentioned in paragraph 4 of the Demand Form.

(a) Insert name and address of creditor

To (a) _____

I refer to the demand served on me on

(b) Insert date of service of Demand as shown in the Docquet of Service.

(b) _____

I DENY

* Delete if not applicable
Only delete (c) if you accept that you owe the whole of the sum demanded but retain (d) if you are denying that you have to pay that sum immediately.

* (c) that I owe you the sum demanded
* (d) that I have to pay you the sum demanded Immediately

Signature of Debtor

Date

Name of Debtor in BLOCK CAPITALS

Address of Debtor

NOTES FOR DEBTOR - READ CAREFULLY

1. If you do nothing in response to this Demand you could be made bankrupt.

Please do not ignore this form

2. (a) If you deny that you owe the sum demanded or any part of it; or
(b) If you accept that you owe the sum demanded but deny that you have to pay it or any part of it immediately (even though you may admit that you must pay it at some time),

you must fill in the attached Denial Slip (or a copy of it) and post it, or a letter to the same effect, to the creditor by **RECORDED DELIVERY POST**. This should be done **immediately** and before the end of the 3 week period mentioned in paragraph 4 of the form. If you do not do so, you could be made bankrupt.

You should keep a copy of what you send to the creditor and the recorded delivery slip.

3. If however, you accept—
 - (a) that you owe the sum demanded, and
 - (b) that you have to pay the sum demanded immediately to the creditor,

you should either pay the sum demanded or find security for such payment. If you cannot do either you should get in touch with the creditor **immediately** and try to agree with him a way of paying off the sum demanded perhaps by paying by instalments.

Even if the creditor agrees that the sum demanded or any part of it need not be paid immediately to him, you should still send the **Denial Slip** as in Note 2 above, to protect you from the possibility of being bankrupt.

4. If you are in any doubt as to—
 - (a) whether you owe the sum demanded or any part of it; or
 - (b) whether the sum demanded or any part of it must be paid immediately; or
 - (c) whether any details mentioned in connection with the debt(s) in paragraph 2 and 3 of the form are correct; or
 - (d) about what you should do with this form or its implications,

you should seek advice **immediately** from a solicitor, insolvency practitioner, money adviser or from a Citizens Advice Bureau.

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