

STATEMENT OF CLAIM BY CREDITOR

Bankruptcy (Scotland) Act 1985: sections 22(2) and 48

WARNING

It is a criminal offence

- for a creditor to produce a statement of claim, account, voucher or other evidence which is false, unless he shows that he 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*

(b) *Insert name and address of creditor*

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

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

Sequestration of the estate of

(a) _____

(b) _____

(c) _____

(d) _____

I submit a claim of (e) £ _____

In the above sequestration and certify that the 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.

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 him 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 1985 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 he is claiming as creditor.
Attach documentary evidence of debts.
5. In calculating the total amount of his claim, a secured creditor must deduct the value of any security as estimated by him, unless he surrenders it (see note 3(c) above).

1. Particulars of debt**2. Amount of debt****3. Security for debt****4. Underlying claims****5. Total amount of the debt**