16 October 2013

Dear Mr Fraser

BANKRUPTCY AND DEBT ADVICE (SCOTLAND) BILL

Thank you for your letter dated 10 October in relation to the proposed transfer of a number of functions from sheriffs to the Accountant in Bankruptcy.

During the drafting of the Bankruptcy and Debt Advice (Scotland) Bill, the Accountant in Bankruptcy has liaised fully with the Scottish Court Service (SCS) and we support the transfer of administrative and non-contentious functions from the sheriff to the AiB as set out in the Bill. The transfer of these functions will allow decisions to be made at the appropriate level and improve the efficiency of the process, freeing up time in the court programme to deal with matters which require judicial consideration and decision.

The transfer of judicial functions from sheriffs to AiB is a policy matter for the Scottish Government. However, I would add that, whilst initial applications are being removed from the sheriff courts, there is ultimately the opportunity to have judicial consideration, where necessary, by way of appeal to a sheriff.

Yours sincerely