



# Bankruptcy and Debt Advice (Scotland) Act 2014

2014 asp 11

## *Functions of sheriff and Accountant in Bankruptcy in sequestration*

### **32 Contractual powers of trustee**

In section 42 of the 1985 Act (contractual powers of trustee), for subsection (2) substitute—

- “(2) The trustee must, within 28 days from the receipt by the trustee of a request in writing from any party to a contract entered into by the debtor, adopt or refuse to adopt the contract.
- (2A) The period mentioned in subsection (2) may be extended—
- (a) in a case where the Accountant in Bankruptcy is the trustee, by the sheriff on the application of the Accountant in Bankruptcy,
  - (b) in any other case, by the Accountant in Bankruptcy on the application of the trustee.
- (2B) The trustee may, before the expiry of the period of 14 days beginning with the day of the decision, apply to the Accountant in Bankruptcy for a review of a decision of the Accountant in Bankruptcy under subsection (2A)(b).
- (2C) If an application for a review under subsection (2B) is made, the Accountant in Bankruptcy must—
- (a) take into account any representations made by an interested person before the expiry of the period of 21 days beginning with the day on which the application is made, and
  - (b) confirm, amend or revoke the decision before the expiry of the period of 28 days beginning with the day on which the application is made.
- (2D) The trustee may appeal to the sheriff against a decision by the Accountant in Bankruptcy under subsection (2C)(b), before the expiry of the period of 14 days beginning with the day of the decision.
- (2E) The Accountant in Bankruptcy may refer a case to the sheriff for a direction before—

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*Status: This is the original version (as it was originally enacted).*

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- (a) making a decision under subsection (2A)(b), or
- (b) undertaking any review under this section.

(2F) An application for a review under subsection (2B) may not be made in relation to a matter on which the Accountant in Bankruptcy has applied to the sheriff for a direction under subsection (2E).”