



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 14

VOLUNTARY TRUST DEEDS FOR CREDITORS

Appeals and directions

188 Protected trust deed: appeal

- (1) The persons mentioned in subsection (2) may appeal to the sheriff against—
 - (a) any refusal by AiB to register a trust deed if it is a refusal on the grounds that AiB is not satisfied as mentioned in section 171(2)(c),
 - (b) any determination by AiB fixing the remuneration payable to the trustee under a protected trust deed,
 - (c) any direction under section 179(1) to the trustee, or
 - (d) any refusal by AiB under section 184(9).
- (2) The persons are—
 - (a) the trustee,
 - (b) the debtor, if able to satisfy the sheriff that the debtor has, or is likely to have, a pecuniary interest in the outcome of the appeal, and
 - (c) any creditor, if able to satisfy the sheriff that the creditor has, or is likely to have any such interest in that outcome.
- (3) The trustee may appeal to the sheriff against a refusal by the creditors to grant the trustee's discharge under section 186(2).
- (4) The debtor may appeal to the sheriff against a refusal by the trustee to apply under section 184(1)(b)(i) for the debtor's discharge.
- (5) Any appeal under subsection (1) must be made within 21 days after the refusal, determination or direction appealed against.
- (6) The sheriff to whom any appeal under this section is to be made is the sheriff who, had a petition for the sequestration of the estate been presented at the date the trust deed was granted, would have had jurisdiction to hear that petition in terms of section 15(1) or (3).

Changes to legislation: Bankruptcy (Scotland) Act 2016, Cross Heading: Appeals and directions is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(7) The decision of the sheriff on an appeal under this section is final.

Commencement Information

I1 [S. 188](#) in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

189 Protected trust deed: sheriff's direction

- (1) Any person with an interest may at any time apply to the sheriff for a direction as regards the administration of a trust under a protected trust deed.
- (2) A direction by virtue of subsection (1) may include—
 - (a) any order the sheriff thinks fit to make in the interests of justice, or
 - (b) an order to cure any defect in procedure.
- (3) The sheriff to whom any application under this section is to be made is the sheriff who, had a petition for the sequestration of the estate been presented at the date the trust deed was granted, would have had jurisdiction to hear that petition in terms of section 15(1) or (3).

Commencement Information

I2 [S. 189](#) in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

Changes to legislation:

Bankruptcy (Scotland) Act 2016, Cross Heading: Appeals and directions is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by [2019 asp 4 s. 7\(2\)\(a\)](#)
- s. 78(2)(b) and word inserted by [2019 asp 4 s. 7\(2\)\(b\)](#)