

SCHEDULE 6 MEETINGS OF CREDITORS AND COMMISSIONERS

PART 1

MEETINGS OF CREDITORS OTHER THAN THE STATUTORY MEETING

Calling of meeting

- 1 The trustee in the sequestration must call a meeting of creditors if required to do so—
 - (a) by order of the sheriff,
 - (b) by 1/10 in number or 1/3 in value of the creditors,
 - (c) by a commissioner, or
 - (d) by AiB.
- 2 Any such meeting must be held not later than 28 days after—
 - (a) the issuing of the order under paragraph 1(a), or
 - (b) the receipt by the trustee of the requirement under paragraph 1(b), (c) or (d).
- 3 The trustee, or a commissioner who has given notice to the trustee, may at any time call a meeting of creditors.
- 4 The trustee, calling a meeting under paragraph 1 or 3, or a commissioner, calling a meeting under paragraph 3, is no fewer than 7 days before the date fixed for the meeting to notify—
 - (a) every creditor known to the trustee or, as the case may be, to the commissioner, and
 - (b) AiB,of the date, time and place fixed for the holding of the meeting and of the meeting's purpose.
- 5 Where—
 - (a) a requirement has been made under paragraph 1, but
 - (b) no meeting has been called by the trustee,AiB may, of AiB's own accord or on the application of any creditor, call a meeting of creditors.
- 6 AiB, calling a meeting under paragraph 5, is no fewer than 7 days before the date fixed for the meeting to take reasonable steps to notify the creditors of the date, time and place fixed for the holding of the meeting and of the meeting's purpose.
- 7 It is not necessary to notify under paragraph 4 or 6 any creditor whose accepted claim is less than £50 or such sum as may be prescribed, unless the creditor has in writing requested such notification.

Role of trustee at meeting

- 8 At the commencement of a meeting the trustee is to be the person chairing the meeting and as such is, after carrying out the trustee's duties under section 126(1)—
 - (a) to invite the creditors to elect one of their number to chair the meeting in the trustee's place, and
 - (b) to preside over the election.

Status: This is the original version (as it was originally enacted).

- 9 If no person is elected in pursuance of paragraph 8, the trustee must chair the meeting throughout.
- 10 The trustee is to arrange for a record to be made of the proceedings at the meeting.

Appeals

- 11 The trustee, a creditor or any other person having an interest may, within 14 days after the date of a meeting called under paragraph 4 or 6, appeal to the sheriff against a resolution of the creditors at the meeting.