



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 8

ADMINISTRATION OF ESTATE BY TRUSTEE

General

108 Taking possession of estate by trustee

- (1) The trustee in the sequestration must—
 - (a) for the purpose of recovering the estate of the debtor under section 50(1)(a), take possession as soon as may be after the trustee's appointment—
 - (i) of the debtor's whole estate so far as vesting in the trustee under sections 78 and 86, and
 - (ii) of any document in the debtor's possession or control relating to the debtor's assets or the debtor's business or financial affairs,
 - (b) make up and maintain an inventory and valuation of the estate, and
 - (c) forthwith thereafter send a copy of the inventory and valuation to AiB.
- (2) Paragraph (a) of subsection (1) is subject to section 113.
- (3) The trustee is entitled to have access to, and to make a copy of, any document relating to the assets or the business or financial affairs of the debtor—
 - (a) sent by or on behalf of the debtor to a third party, and
 - (b) in the third party's hands.
- (4) If a person obstructs the trustee in the trustee's exercise, or attempted exercise, of a power conferred by subsection (3), the sheriff may, on the trustee's application, order the person to cease obstructing the trustee.
- (5) The trustee may require delivery to the trustee of any title deed or other document of the debtor, even if a right of lien is claimed over it.
- (6) Subsection (5) is without prejudice to any preference of the holder of the lien.