



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 10

#### CLAIMS, DIVIDENDS AND DISTRIBUTION ETC.

##### *Procedure after end of accounting period*

#### **133 Audit of accounts and determination as to outlays and remuneration payable to trustee**

- (1) Within 6 weeks after the end of an accounting period—
  - (a) the commissioners (or, as the case may be, AiB)—
    - (i) may audit the accounts, and
    - (ii) must issue a determination fixing the amount of the outlays and the remuneration payable to the trustee in the sequestration, and
  - (b) the trustee must make the audited accounts, scheme of division and that determination available for inspection by the debtor and the creditors.
- (2) The basis for fixing the amount of the remuneration payable to the trustee may be a commission calculated by reference to the value of the debtor's estate which has been realised by the trustee.
- (3) But there is in any event to be taken into account—
  - (a) the work which, having regard to that value, was reasonably undertaken by the trustee, and
  - (b) the extent of the trustee's responsibilities in administering the debtor's estate.
- (4) In fixing the amount of such remuneration in respect of any accounting period, the commissioners (or, as the case may be, AiB) may take into account any adjustment which the commissioners or AiB may wish to make in the amount of remuneration fixed in respect of any earlier accounting period.

#### **Commencement Information**

**II** S. 133 in force at 30.11.2016 by S.S.I. 2016/294, reg. 2

**Changes to legislation:**

Bankruptcy (Scotland) Act 2016, Section 133 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.

[View outstanding changes](#)

**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\(2\)\(b\)](#)