



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 3

INITIAL STAGES OF SEQUESTRATION, STATUTORY MEETING AND TRUSTEE VOTE

Statutory meeting

44 Calling of statutory meeting

- (1) The statutory meeting may be held at such time and place as the trustee in the sequestration may determine.
- (2) But subsection (1) is subject to subsections (6) and (7).
- (3) Not later than—
 - (a) 60 days after the date on which sequestration is awarded, or
 - (b) such greater number of days after that date as the sheriff may, on cause shown, allow,the trustee must give notice to every creditor known to the trustee of whether or not the trustee intends to call the statutory meeting.
- (4) A notice under subsection (3)—
 - (a) must be accompanied by a copy of the trustee's statement of the debtor's affairs, and
 - (b) where the trustee is notifying an intention not to hold the statutory meeting, must inform creditors of the effect of subsections (5) and (6).
- (5) Within 7 days after the giving of notice under subsection (3), any creditor may request the trustee to call the statutory meeting.
- (6) Where a request under subsection (5) is made (or requests under that subsection are made) by not less than $\frac{1}{4}$ in value of the debtor's creditors, the trustee must call the statutory meeting not later than—
 - (a) 28 days after the date on which notice is given under subsection (3), or
 - (b) such greater number of days after that date as the sheriff may, on cause shown, allow.

Changes to legislation: *Bankruptcy (Scotland) Act 2016, Section 44 is up to date with all changes known to be in force on or before 20 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) Where the trustee gives notice under subsection (3) that the trustee intends to call the statutory meeting, that meeting must be called within 28 days after the date on which the notice is given.
- (8) No fewer than 7 days before the date fixed for the statutory meeting, the trustee—
- (a) must notify every creditor known to the trustee of the date, time and place of the meeting, and
 - (b) must in the notification—
 - (i) invite the submission of such claims as have not already been submitted, and
 - (ii) inform the creditors of the trustee's duties under section 48(4).
- (9) The creditors may continue the statutory meeting to a date not later than—
- (a) 7 days after the days mentioned in subsection (7) have expired, or
 - (b) such greater number of days after that expiry as the sheriff may, on cause shown, allow.

Commencement Information

II S. 44 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

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