



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 4

TRUSTEES AND COMMISSIONERS

Replacement trustees

62 Procedure in application under section 60, or appeal under section 61, to sheriff

- (1) This section applies where there is—
 - (a) an application by AiB under section 60(3)(b), or
 - (b) an appeal under section 61(8).
- (2) The sheriff must—
 - (a) without delay give the parties an opportunity to be heard on the application, and
 - (b) make a decision.
- (3) If the sheriff decides—
 - (a) to reject an objection to the appointment of an elected person, the sheriff must without delay declare the elected person to be the trustee in the sequestration and make an order appointing the elected person to be the trustee in the sequestration, or
 - (b) to sustain such an objection, the sheriff must order the original trustee to arrange a new meeting at which a new trustee vote must be held.
- (4) Sections 48, 49, 60, 61 and this section, apply in relation to a meeting arranged by virtue of subsection (3)(b).
- (5) Any declaration, appointment or decision of the sheriff under this section is final.