

SCHEDULE 6  
(introduced by section 217)  
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

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(b) to preside over the election.

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.

## **PART 2**

### ALL MEETINGS OF CREDITORS

#### *Validity of proceedings*

12 No proceedings at a meeting are invalidated by reason only that a notice or other document relating to the calling of the meeting, being a notice required to be sent or given under a provision of this Act, has not been received by, or come to the attention of, any creditor before the meeting.

#### *Locus of meeting*

13 Every meeting must be held in such place (whether or not in the sheriffdom) as is, in the opinion of the person calling the meeting, the most convenient for the majority of the creditors.

#### *Mandatories*

14 A creditor may authorise in writing a person to represent the creditor at a meeting.

15 A creditor must lodge with the trustee, before the commencement of the meeting, any authorisation given under paragraph 14.

16 Any reference in paragraph 8, or in the following provisions of this Part, to a creditor includes a reference to a person authorised under paragraph 14 by a creditor.

#### *Quorum*

17 The quorum at any meeting is one creditor.

#### *Voting at meeting*

18 Any question at a meeting is to be determined by a majority in value of the creditors who vote on that question.

#### *Objections by creditors*

19 At any meeting the person chairing it may allow or disallow any objection by a creditor, other than (if the person chairing the meeting is not the trustee) an objection relating to a creditor's claim.

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- 20 A person aggrieved by the determination of the person chairing the meeting in respect of an objection may appeal to the sheriff against the determination.
- 21 If the person chairing the meeting is in doubt as to whether to allow or disallow an objection, the meeting must proceed as if no objection had been made, except that for the purposes of appeal the objection is to be deemed to have been disallowed.

#### *Adjournment of meeting*

- 22 If no creditor has appeared at a meeting by half an hour after the time appointed for its commencement, the person chairing the meeting may adjourn it to such other day as that person may appoint, being a day no fewer than 7, nor more than 21, days after that on which the meeting is adjourned.
- 23 The person chairing the meeting may, with the consent of a majority in value of the creditors who vote on a resolution to adjourn a meeting, adjourn the meeting.
- 24 Any adjourned meeting must be held at the same time and place as the original meeting, unless in the resolution another time or place is specified.

#### *Minutes of meeting*

- 25 The minutes of every meeting must be signed by the person who chaired the meeting and within 14 days after the meeting must be sent to AiB.

### **PART 3**

#### MEETINGS OF COMMISSIONERS

- 26 The trustee—
- (a) may call a meeting of commissioners at any time, and
  - (b) must call such a meeting—
    - (i) on being required to do so by order of the sheriff, or
    - (ii) on being requested to do so by AiB or by any commissioner.
- 27 If the trustee fails to call a meeting of commissioners within 14 days after being required or requested to do so under paragraph 26, a commissioner may call a meeting of commissioners.
- 28 The trustee must give the commissioners at least 7 days' notice of a meeting called by the trustee unless the commissioners decide that they do not require such notice.
- 29 The trustee is to act as clerk at a meeting of commissioners.
- 30 If the commissioners are considering the performance of the functions of the trustee under any provision of this Act, the trustee must withdraw from the meeting if requested to do so by the commissioners and in such a case a commissioner must—
- (a) act as clerk, and
  - (b) transmit a record of the deliberations of the commissioners to the trustee.
- 31 The quorum at a meeting of commissioners is one commissioner and the commissioners may act by a majority of the commissioners present at the meeting.
- 32 Any matter may be agreed by the commissioners without a meeting if such agreement—
- (a) is unanimous, and

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(b) is subsequently recorded in a minute signed by the commissioners.