



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 4

TRUSTEES AND COMMISSIONERS

Replacement trustees

61 Procedure in application to Accountant in Bankruptcy under section 60

- (1) This section applies where an application is made to AiB under section 60(3)(a).
- (2) AiB must—
 - (a) without delay give the original trustee, the replacement trustee, the objector and any other interested person an opportunity to make written submissions on the application, and
 - (b) make a decision.
- (3) If AiB decides—
 - (a) to reject the objection in the application, AiB must without delay declare the elected person to be the trustee in the sequestration,
 - (b) to sustain the objection in the application, AiB must order the original trustee to arrange a new meeting at which a new trustee vote must be held.
- (4) Sections 48, 49, 60 and 62, and this section, apply in relation to a meeting arranged by virtue of subsection (3)(b).
- (5) The original trustee, the replacement trustee, the objector and any other interested party may apply to AiB for a review of a decision under subsection (2)(b).
- (6) Any application under subsection (5) must be made within 14 days beginning with the day on which notice of the decision is given.
- (7) If an application for a review under subsection (5) is made, AiB must—
 - (a) take into account any representations made by an interested party within 21 days beginning with the day on which the application is made, and
 - (b) confirm, amend or revoke the decision within 28 days beginning with that day.

Status: This is the original version (as it was originally enacted).

- (8) The trustee, the objector or any other interested party may, within 14 days beginning with the day of a decision of AiB under subsection (7)(b), appeal to the sheriff against that decision.
- (9) No expense in objecting under this section is to fall on the debtor's estate.