
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

**The Scottish Charitable Incorporated Organisations
(Removal from Register and Dissolution) Regulations 2011**

Right of qualified creditor and others to petition for sequestration of SCIO

7.—(1) Subject to paragraphs (2) to (6), a qualified creditor or qualified creditors, a temporary administrator or a member State liquidator appointed in main proceedings may petition for the sequestration of the estate of a SCIO as a body corporate under section 6(6)(b) of the Bankruptcy (Scotland) Act 1985.

(2) At least 7 days but not more than 14 days before a petition is lodged under paragraph (1), the prospective petitioner must notify OSCR and the SCIO that a petition is to be lodged and proof of the notification must be lodged with any subsequent petition, without which proof of notification the sheriff shall not award sequestration in respect of the petition.

(3) If following the lodging of a petition, sequestration is awarded by the court, the trustee must immediately notify OSCR of the award of sequestration, and OSCR shall publish on its website a notice of the sequestration of the SCIO and intimate that following the completion of the sequestration the SCIO shall be removed from the Register by OSCR and dissolved.

(4) On completion of the sequestration, and having transferred any surplus assets to another body (or bodies) which has purposes which are the same as or which resemble closely the purposes of the SCIO set out in its constitution, the trustee shall send notification to OSCR that the sequestration of the SCIO is completed and include copies of the final accounts of his intromissions with the SCIO's estate and a determination of his fees and outlays calculated in accordance with regulations made under section 69A of the Bankruptcy (Scotland) Act 1985.

(5) On receipt of the notification and final accounts referred to in paragraph (4)—

- (a) OSCR must remove from the Register the entry for the SCIO; and
- (b) the SCIO is dissolved.

(6) In this regulation the terms “qualified creditor”, “qualified creditors”, “temporary administrator”, “member State liquidator” and “main proceedings” have the meanings they have in section 73(1) of the Bankruptcy (Scotland) Act 1985.