
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

The Protected Trust Deeds (Scotland) Regulations 2013

PART 4

ADMINISTRATION, ACCOUNTING AND DISCHARGE

Directions to trustee under protected trust deed

19.—(1) The Accountant may give directions to the trustee under a protected trust deed as to how the trustee should conduct the administration of the trust.

(2) On a direction being issued to the trustee by virtue of paragraph (1) its terms are to be intimated to the debtor and to all known creditors.

(3) The direction may be issued on the initiative of the Accountant or (at the Accountant's discretion) on the request of the trustee, the debtor or any creditor.

(4) The trustee must, unless paragraph (5) applies, comply with the direction within the period of 30 days beginning with the day on which the direction is given.

(5) Where the trustee has made an appeal to the sheriff under regulation 27(1)(b) and the appeal has been dismissed by the sheriff or withdrawn by the trustee, the trustee must comply with the direction within the period of 30 days beginning with the day on which (as the case may be)—

- (a) the appeal was dismissed by the sheriff; or
- (b) the appeal was withdrawn by the trustee.

(6) If it appears to the Accountant that the trustee has failed, without reasonable excuse, to comply with the direction, the Accountant may report the matter to the sheriff who, after hearing the trustee on the matter, may—

- (a) censure the trustee; or
- (b) make such other order as the circumstances of the case require.