

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2016 No. 295**

**The Bankruptcy (Applications and  
Decisions) (Scotland) Regulations 2016**

**PART 3**

Specific applications

**Removal of trustee and trustee not acting**

**13.**—(1) An order under section 70(1)(b) of the Act (removal of trustee from office by AiB) must be made in writing in Form 5.

(2) Where the trustee has the opportunity to make representations under section 70(4)(c) of the Act, AiB must allow 21 days beginning with the date on which the copy application was sent under section 70(4)(a) of the Act for those representations.

(3) AiB must within 14 days beginning after the expiry of that period of 21 days—

- (a) decide whether to remove or refuse to remove the trustee (or make any other order) under section 70(1)(b) or (5) of the Act; or
- (b) refer the matter to the sheriff under section 71(7)(a) of the Act.

(4) Before making any declaration or order under section 72(1) of the Act, AiB must give the trustee an opportunity to make representations.

(5) In the case of an application under section 72(3)(a) of the Act, AiB must within 14 days beginning after the expiry of the period for representations under regulation 6(10)—

- (a) decide whether to make any declaration (or any other order) under section 72(1) of the Act; or
- (b) refer the matter to the sheriff under section 71(7)(a) of the Act.

(6) The Accountant must notify the trustee, the debtor, commissioners or any creditor of any order or decision under section 70(1)(b) or (5) or section 72(1) of the Act.

(7) Where a review application is made under sections 71 or 73, AiB must notify any commissioners required to call a meeting under sections 71(6) or 73(1) of the Act.

(8) The requirement to hold that meeting under sections 71(6) or 73(1) within 28 days—

- (a) is extended until the date of the review decision (or any appeal from that decision); and
- (b) on that decision (or any appeal from that decision) the period allowed for holding the meeting is the greater of—
  - (i) the unexpired days before the period specified in sections 71(6) or 73(1) of the Act would have elapsed (ignoring its extension) after the date on which the review application was made; or
  - (ii) 28 days.

(9) Where a review decision is made under sections 71 or 73 of the Act, AiB must notify any commissioners required to call a meeting under sections 71(6) or 73(1) of the Act.