



Judicial Factors (Scotland) Act 1889

1889 CHAPTER 39

17 **Commission or fees in bankruptcy cases not to be paid without approval of accountant.**

Every trustee appointed under the Bankruptcy Acts shall intimate by circular to every creditor upon the estates under his charge, and also to the bankrupt, the deliverance of the commissioners fixing a commission or fee to be allowed to such trustee, and every such trustee and also every creditor and the bankrupt shall be entitled to appeal to the accountant against any such deliverance, and that within ten days of the issue of such circular, by addressing a note to the accountant stating his objections to such deliverance, and the trustee shall thereupon lay the deliverance of the commissioners and the account to which such deliverance applies before the accountant, and such commission or fee shall not be paid to the trustee, or entered in his account, until the accountant has intimated his approval of the commission or other payments sanctioned by the commissioners. In the event of the accountant not concurring with the commissioners, he shall intimate his objections and the grounds thereof to the trustee or bankrupt or creditor appealing, and shall indicate the sum he would suggest, and in the event of the trustee or bankrupt or creditor or the commissioners not acquiescing in this suggestion, the matter shall be reported forthwith by the accountant to the lord ordinary officiating on the bills in the Court of Session or to the sheriff, whose decision shall be final; and in the event of such appeal the procedure enacted under sections one hundred and twenty-seven, one hundred and thirty, one hundred and thirty-one, and one hundred and thirty-two of the Bankruptcy (Scotland) Act, 1856, shall, in cases to which such sections apply, be postponed till the decision is given in the appeal; and where the deliverance of the commissioners is altered, the trustee shall give effect to the alteration in his accounts, and the commissioners shall in such cases reconsider and declare, within eight days after the date of the decision, the amount to be divided among the creditors in terms of sections one hundred and twenty-five, one hundred and thirty, one hundred and thirty-one, and one hundred and thirty-two of the Bankruptcy (Scotland) Act, 1856, after taking such alteration into account, and the trustee shall, within four days thereafter, and in cases where no alteration is made in the deliverance of the commissioners within eight days from the date of the decision, give the notice in the Gazette, and give the notifications to creditors directed by sections one hundred and twenty-seven, one hundred and thirty, and one hundred and thirty-

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

two of the said Act. The provisions of this section shall not apply to trustees appointed under the Cessio Acts.