



Bankruptcy and Debt Advice (Scotland) Act 2014

2014 asp 11

Review of decisions made by Accountant in Bankruptcy

40 Review of decisions about replacement trustee

(1) In section 26A of the 1985 Act (Accountant in Bankruptcy to account for intromissions)—

(a) in subsection (4)(b), after paragraph (ii) insert—

“(ia) that an application for a review may be made under subsection (4A)”,

(b) after subsection (4), insert—

“(4A) The replacement trustee, the debtor or any creditor may apply to the Accountant in Bankruptcy for a review of the discharge of the Accountant in Bankruptcy in respect of the Accountant in Bankruptcy’s actings as trustee.

(4B) An application under subsection (4A) must be made before the expiry of the period of 14 days beginning with the day on which notice is sent under subsection (4)(b).

(4C) If an application under subsection (4A) is made, the Accountant in Bankruptcy must—

(a) take into account any representations made by an interested person before the expiry of the period of 21 days beginning with the day on which the application is made, and

(b) confirm or revoke the discharge before the expiry of the period of 28 days beginning with the day on which the application is made.”,

(c) for subsection (5), substitute—

“(5) The replacement trustee, the debtor or any creditor may appeal to the sheriff against—

(a) the determination of the Accountant in Bankruptcy mentioned in subsection (3)(b) before the expiry of the period

Status: This is the original version (as it was originally enacted).

of 14 days beginning with the day on which notice is sent under subsection (4)(b),

- (b) a decision by the Accountant in Bankruptcy under subsection (4C)(b) before the expiry of the period of 14 days beginning with the day on which the decision is made.”, and
- (d) for subsection (6), substitute—

“(6) The decision of the sheriff on an appeal under subsection (5) is final.”.

- (2) In section 27 of the 1985 Act (discharge of original trustee)—

- (a) after subsection (3), insert—

“(3A) The original trustee, the replacement trustee, the debtor or any creditor who has made representations may apply to the Accountant in Bankruptcy for a review of a determination under subsection (3).

(3B) An application under subsection (3A) must be made before the expiry of the period of 14 days beginning with the day on which the determination is issued under subsection (3).

(3C) If an application under subsection (3A) is made, the Accountant in Bankruptcy must—

- (a) take into account any representations made by an interested person before the expiry of the period of 21 days beginning with the day on which the application is made, and
 - (b) confirm, amend or revoke the determination under subsection (3) (whether or not granting a certificate of discharge) before the expiry of the period of 28 days beginning with the day on which the application is made.”, and
- (b) in subsection (4), for “issuing of the determination under subsection (3) above” substitute “day of the decision under subsection (3C)(b)”.