



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 10

CLAIMS, DIVIDENDS AND DISTRIBUTION ETC.

Entitlement to vote and draw a dividend

128 Voting and drawing a dividend

- (1) A creditor whose claim has been accepted in whole or in part by the trustee in the sequestration or on review or appeal under section 127 is entitled, in a case where the acceptance is under (or on review or appeal arising from)—
 - (a) section 126(1), to vote on any matter at the meeting of creditors for the purpose of voting at which the claim is accepted, or
 - (b) section 126(3), to payment out of the debtor's estate of a dividend in respect of the accounting period for the purposes of which the claim is accepted.
- (2) But—
 - (a) paragraph (a) of subsection (1) is subject to sections 70(1)(a) and 77(1) and (7)(b), and
 - (b) the entitlement mentioned in paragraph (b) of that subsection arises only in so far as the estate has funds available, having regard to section 129, to make the payment in question.
- (3) No vote may be cast, by virtue of a debt, more than once on any resolution put to a meeting of creditors.

^{F1}(4)

^{F1}(5)

^{F1}(6)

^{F1}(7)

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 128 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** S. 128(4)-(7) omitted (31.12.2020) by virtue of [The Insolvency \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/94\)](#), regs. 1, **4(12)** (with reg. 9) (as amended by [S.S.I. 2020/337](#), regs. 1, 2); 2020 c. 1, Sch. 5 para. 1(1)
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Commencement Information

- I1** S. 128 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by [2019 asp 4 s. 7\(2\)\(a\)](#)
- s. 78(2)(b) and word inserted by [2019 asp 4 s. 7\(2\)\(b\)](#)