



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 14

VOLUNTARY TRUST DEEDS FOR CREDITORS

Administration, accounting and discharge

181 Administration of trust under protected trust deed

- (1) At intervals of not more than 12 months (the first such interval beginning with the date on which the trust deed was granted) and within 6 weeks after the end of each interval, the trustee under a protected trust deed must send the trustee's accounts of the trustee's intromissions with the debtor's estate in administering the trust during the period in question—
 - (a) to the debtor,
 - (b) to each creditor, and
 - (c) (unless they are sent under section 186) to AiB.
- (2) At such intervals the trustee must send to AiB, the debtor and each creditor a report, in such form as may be prescribed for the purposes of this subsection, on the management of the trust during the period in question.
- (3) Subsection (4) applies where—
 - (a) within 21 days after the date on which the report is sent, the trustee receives notification in writing from—
 - (i) a majority in number, or
 - (ii) no fewer than $\frac{1}{3}$ in value,of the creditors that they object to a course of action recommended in the report, and
 - (b) the expected final dividend to ordinary creditors set out in the report is at least 20% lower than the expected dividend to ordinary creditors set out in the form prescribed for the purposes of section 170(1)(e).
- (4) The trustee must request under section 179(3) a direction as to the administration of the trust.

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 181 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

- (5) The debtor or any creditor may, within 14 days after receiving a statement by virtue of subsection (1), require AiB to exercise the function mentioned in section 200(1)
 - (a) (in so far as relating to trustees under protected trust deeds) by carrying out an examination of the administration of the trust by the trustee.
- (6) In determining the amount of any contribution from income to be made by the debtor—
 - (a) the trustee may take account of any social security benefit paid to the debtor, but
 - (b) any contribution must not include an amount derived from social security benefit.

Commencement Information

II [S. 181](#) in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

Changes to legislation:

Bankruptcy (Scotland) Act 2016, Section 181 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.

[View outstanding changes](#)

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\(2\)\(b\)](#)