



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 4

TRUSTEES AND COMMISSIONERS

Interim trustees

58 Termination of Accountant in Bankruptcy's functions as interim trustee where not appointed trustee

- (1) This section applies where AiB is appointed as interim trustee under section 54(1) and the sheriff—
 - (a) awards sequestration and appoints another person as trustee under section 51(5), or
 - (b) refuses to award sequestration.
- (2) Where the sheriff awards sequestration and appoints another person as trustee in the sequestration, AiB—
 - (a) must hand over to the other person everything in AiB's possession which relates to the sequestration, and
 - (b) on that being done, must cease to act in the sequestration.
- (3) The sheriff may make such order in relation to liability for the outlays and remuneration of AiB as may be appropriate.
- (4) Within 3 months after the sheriff awards, or refuses to award, sequestration AiB must—
 - (a) send to the debtor and the petitioner—
 - (i) AiB's accounts for intromissions (if any) with the debtor's estate,
 - (ii) a determination of AiB's fees and outlays, calculated in accordance with regulations made under section 205, and
 - (iii) the notice mentioned in subsection (5), and
 - (b) in a case where sequestration is awarded, send a copy of those accounts, that determination and that notice to all creditors known to AiB.
- (5) The notice is a notice in writing stating—

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 58 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

- (a) that AiB has commenced procedure under this Act leading to discharge in respect of AiB's actings as interim trustee,
 - (b) that an application for a review may be made under section 59(1),
 - (c) that an appeal may be made to the sheriff under section 59(4), and
 - (d) that, in the circumstances mentioned in subsection (6), AiB is discharged from any liability incurred while acting as interim trustee.
- (6) Subsection (7) applies where—
- (a) the requirements of this section have been complied with, and
 - (b) either no appeal is made under section 59(4) or any such appeal is refused as regards the discharge of AiB.
- (7) AiB is discharged from all liability (other than any liability arising from fraud)—
- (a) to the debtor,
 - (b) to the petitioner, or
 - (c) to the creditors,
- in respect of any act or omission of AiB in exercising the functions of interim trustee conferred on AiB by this Act.

Commencement Information

II S. 58 in force at 30.11.2016 by S.S.I. 2016/294, reg. 2

Changes to legislation:

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