



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 4

TRUSTEES AND COMMISSIONERS

Replacement trustees

61 Procedure in application to Accountant in Bankruptcy under section 60

- (1) This section applies where an application is made to AiB under section 60(3)(a).
- (2) AiB must—
 - (a) without delay give the original trustee, the replacement trustee, the objector and any other interested person an opportunity to make written submissions on the application, and
 - (b) make a decision.
- (3) If AiB decides—
 - (a) to reject the objection in the application, AiB must without delay declare the elected person to be the trustee in the sequestration,
 - (b) to sustain the objection in the application, AiB must order the original trustee to arrange a new meeting at which a new trustee vote must be held.
- (4) Sections 48, 49, 60 and 62, and this section, apply in relation to a meeting arranged by virtue of subsection (3)(b).
- (5) The original trustee, the replacement trustee, the objector and any other interested party may apply to AiB for a review of a decision under subsection (2)(b).
- (6) Any application under subsection (5) must be made within 14 days beginning with the day on which notice of the decision is given.
- (7) If an application for a review under subsection (5) is made, AiB must—
 - (a) take into account any representations made by an interested party within 21 days beginning with the day on which the application is made, and
 - (b) confirm, amend or revoke the decision within 28 days beginning with that day.

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 61 is up to date with all changes known to be in force on or before 21 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

- (8) The trustee, the objector or any other interested party may, within 14 days beginning with the day of a decision of AiB under subsection (7)(b), appeal to the sheriff against that decision.
- (9) No expense in objecting under this section is to fall on the debtor's estate.

Commencement Information

II S. 61 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\(2\)\(b\)](#)