



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 4

TRUSTEES AND COMMISSIONERS

Replacement trustees

66 Replacement of trustee acting in more than one sequestration

- (1) This section applies where a trustee acting as such in two or more sequestrations—
 - (a) dies,
 - (b) ceases, by virtue of section 49(4), to be qualified to continue to act as trustee, or
 - (c) becomes subject to the circumstances mentioned in subsection (2).
- (2) The circumstances are that there is—
 - (a) a conflict of interest affecting the trustee, or
 - (b) a change in the personal circumstances of the trustee,which prevents the trustee from carrying out the trustee's functions, or makes it impracticable for the trustee to carry out those functions.
- (3) AiB may, in a case where subsection (1)(b) or (c) applies, determine that the trustee is removed from office in each sequestration in which the trustee has ceased to be qualified.
- (4) AiB may appoint as the trustee in each sequestration in which the former trustee was acting a person—
 - (a) determined by AiB, and
 - (b) who consents to the appointment.
- (5) A person may not be appointed under subsection (4) if the person is ineligible, by virtue of section 49(3), for election as a replacement trustee.
- (6) If, in relation to any sequestration, AiB determines that no person is to be appointed under subsection (4), AiB is deemed to be the trustee in that sequestration.
- (7) A determination or appointment under this section may be made—

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 66 is up to date with all changes known to be in force on or before 22 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) on the application of any person having an interest, or
 - (b) without an application, where AiB proposes to make a determination or appointment of AiB's own accord.
- (8) The applicant must notify all interested persons where an application is made under subsection (7)(a).
- (9) AiB must notify all interested persons where AiB proposes to make a determination or appointment by virtue of subsection (7)(b).
- (10) A notice under subsection (8) or (9) must inform the recipient that the recipient has a right to make representations to AiB, in relation to the application or to the proposed determination or appointment, within 14 days beginning with the day on which the notice is given.

Commencement Information

II S. 66 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\(2\)\(b\)](#)