



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 4

TRUSTEES AND COMMISSIONERS

Removal of trustee and appointment of new trustee

- 70** **Removal of trustee other than where trustee is unable to act or should no longer continue to act: general**
- (1) The trustee in the sequestration (in this section and in sections 71 to 73 referred to as “T”) may be removed from office—
- (a) by the creditors at a meeting called for the purpose if they also forthwith elect a new trustee, or
 - (b) by order made by AiB if AiB is satisfied that, on the basis of circumstances other than those mentioned in section 72(2), there are reasons to remove T from office.
- (2) An order removing T in accordance with subsection (1)(b) may be made—
- (a) on the application of—
 - (i) the commissioners, or
 - (ii) a person representing not less than $\frac{1}{4}$ in value of the creditors, or
 - (b) in any other case where AiB is satisfied as mentioned in that subsection.
- (3) “Creditors”, in subsection (1)(a), does not include—
- (a) anyone who, other than by succession, acquires after the date of sequestration a debt due by the debtor, or
 - (b) any creditor to the extent that the creditor’s debt is a postponed debt.
- (4) AiB must—
- (a) order any application by a person mentioned in subsection (2)(a) to be served on T,
 - (b) enter particulars of the application in the register of insolvencies, and
 - (c) before deciding whether or not to make an order under subsection (1)(b), give T the opportunity to make representations.

Status: This is the original version (as it was originally enacted).

- (5) AiB may—
- (a) in ordering, or
 - (b) instead of ordering,
- the removal of T from office under subsection (1)(b), make such further or other order as AiB thinks fit.
- (6) This section and sections 71 to 75 do not apply where AiB is the trustee in the sequestration.
- (7) This section is without prejudice to section 200(4).