



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 4

#### TRUSTEES AND COMMISSIONERS

##### *Removal of trustee and appointment of new trustee*

- 71 Removal of trustee other than where trustee is unable to act or should no longer continue to act: review, appeal and election of new trustee**
- (1) T, the commissioners or any creditor may apply to AiB for a review of any decision of AiB under section 70(1)(b) or (5).
  - (2) Any application under subsection (1) must be made within 14 days beginning with the day on which the decision is given.
  - (3) If an application under subsection (1) for a review is made, AiB must—
    - (a) take into account any representations made by an interested person 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.
  - (4) T, the commissioners or any creditor may, within 14 days beginning with the day on which a decision of AiB under subsection (3)(b) is given, appeal to the sheriff against that decision.
  - (5) Subsection (6) applies where T has been removed from office—
    - (a) under section 70(1)(b),
    - (b) under section 200(4),
    - (c) following a review under subsection (1), or
    - (d) following an appeal under subsection (4).
  - (6) The commissioners (or if there are no commissioners AiB) must call a meeting of creditors, to be held within 28 days after the removal, for the election by the creditors of a new trustee.
  - (7) AiB may refer a case to the sheriff for a direction before—
    - (a) making an order under section 70(1)(b) or (5), or

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**Changes to legislation:** Bankruptcy (Scotland) Act 2016, Section 71 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](#)

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(b) undertaking any review under this section.

(8) An application for a review under subsection (1) may not be made in relation to a matter on which AiB has applied to the sheriff for a direction under subsection (7).

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**Commencement Information**

**I1** S. 71 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\(2\)\(b\)](#)