



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

Status: This is the original version (as it was originally enacted).

- (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).