



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 4

TRUSTEES AND COMMISSIONERS

Removal of trustee and appointment of new trustee

- 72** **Removal of trustee where trustee is unable to act or should no longer continue to act: general**
- (1) If AiB is satisfied that any of the circumstances mentioned in subsection (2) apply, AiB may—
- (a) declare the office of trustee to have become, or to be, vacant, and
 - (b) make any necessary order—
 - (i) to enable the sequestration of the estate to proceed, or
 - (ii) to safeguard the estate pending the election of a new trustee.
- (2) The circumstances are that—
- (a) T is unable to act (whether by, under or by virtue of a provision of this Act or from any other cause whatsoever other than death), or
 - (b) T's conduct has been such that T should no longer continue to act in the sequestration.
- (3) The declaration under subsection (1)(a), and any order under subsection (1)(b), may be made—
- (a) on the application of the commissioners, of the debtor or of a creditor, or
 - (b) in any other case where AiB is satisfied as mentioned in subsection (1).
- (4) AiB must order such intimation of an application by a person mentioned in subsection (3)(a) as AiB considers necessary.
- (5) This section is without prejudice to section 200(4).

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 72 is up to date with all changes known to be in force on or before 17 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](#)

Commencement Information

II [S. 72](#) 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\(2\)\(b\)](#)