



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 1

BANKRUPTCY

The trustee in the sequestration

9 Grounds for resignation or removal of trustee

- (1) In section 13 of the 1985 Act (resignation, removal etc. of interim trustee)—
- (a) in subsection (2)(a)—
 - (i) for “(whether” substitute “for any reason mentioned in subsection (2A) below or”;
 - (ii) for “a” substitute “any other”; and
 - (iii) the words “or from any other cause whatsoever)” are repealed; and
 - (b) after subsection (2), insert—

“(2A) The reasons referred to in subsection (2)(a) above are that the interim trustee—

 - (a) is incapable within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000 (asp 4); or
 - (b) has some other incapacity by virtue of which he is unable to act as interim trustee.”.
- (2) In section 28 of that Act (resignation and death of permanent trustee), in subsection (1), for the words from “either” to “he” substitute “the trustee—
- (a) is unable to act (whether by, under or by virtue of a provision of this Act or from any other cause whatsoever); or
 - (b) has so conducted himself that he should no longer continue to act, the Accountant in Bankruptcy”.