
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

The Protected Trust Deeds (Scotland) Regulations 2013

PART 3

REGISTRATION AND EFFECT OF PROTECTION

Creditor's application as respects intromissions of trustee

18.—(1) A creditor who is not sent a copy of the notice mentioned in regulation 10(1)(c) or who has notified the trustee of objection to the trust within the relevant period may apply to the sheriff under this regulation.

(2) Where on such an application the sheriff is satisfied, on grounds other than those on which a petition under regulation 17(1)(b) has been or could have been presented by the creditor, that the intromissions of the trustee with the estate of the debtor have been so unduly prejudicial to the creditor's claim that the creditor should not be bound by the trustee's discharge, the sheriff may order that the creditor will not be so bound.

(3) On the sheriff making an order under paragraph (2), the sheriff clerk must—

- (a) send a copy of the order to the trustee; and
- (b) send a copy of the order to the Accountant for registration in the register of insolvencies.

(4) An application under paragraph (1) must be made no later than 28 days after the registration in the register of insolvencies of the trustee's statement of realisation and distribution of estate under the protected trust deed, as mentioned in regulation 25(7)(b).

(5) For the purposes of paragraph (2), the sheriff to whom the application may be made is the sheriff to whom a petition for sequestration would be brought in respect of the debtor by virtue of section 9(1) or (2) of the Act.