

SCHEDULE

Regulation 4(8)(b)

Trustee’s statement of status of a protected trust deed – Form 4

Form 4

Regulation 21(2)

The Protected Trust Deeds (Scotland) Regulations 2013

TRUSTEE’S STATEMENT OF STATUS OF A PROTECTED TRUST DEED

For year _____ (insert year number) of trust deed

Statement to debtor, creditors and The Accountant in Bankruptcy (see Note 1)

AiB Reference Number:

Insert debtor’s name
Insert debtor’s address

Town
County
Post Code

On _____ (insert date) conveying *his/her estate to me

Insert insolvency practitioner’s name
Insert business address

Town
County
Post Code

as trustee for the benefit of *his/her creditors generally

* delete as appropriate

I expect this trust deed will be completed by _____ (insert date).

Statement of performance of protected trust deed (PTD):

		Actual in Year	Total to date (Note 2)	Final Expected	
		Col 1	Col 2	Col 3	
A	Number of Contributions in-gathered				

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Common Financial Tool etc. (Scotland) Amendment Regulations 2015 No. 149

B	Total realisation from contributions	£	£	£	
C	Total Realisation from moveable assets	£	£	£	
D	Total realisation from heritable assets	£	£	£	
E	Total realisation from assets	£	£	£	C + D
F	Bank interest	£	£	£	
G	Gross realisation	£	£	£	B + E + F + S
H	Trustee's remuneration taken (fixed administration fee)	£	£	£	See Note 3
I	Trustee's remuneration taken (% of assets and contributions realised)	£	£	£	See Note 4
J	Outlays (including statutory fees + third party fee)	£	£	£	
K	Total cost of administration	£	£	£	H + I + J
L	Net realisation	£	£	£	G - K
M	Debt due to preferred creditors				
N	Debt due to ordinary creditors	£	£	£	
O	Debt due to postponed creditors	£	£	£	
P	Total debt due	£	£	£	M + N + O
Q	Dividend paid to preferred creditors	p/£	p/£	p/£	
R	Dividend paid to ordinary creditors	p/£	p/£	p/£	Note 5
S	Other/Miscellaneous	£	£	£	Note 7

Statements:

** I state that an interim dividend has not been paid to creditors in Year __ (insert year number) for the following reason(s):

**I state that the expected final dividend is now: _____ (insert amount of new expected final dividend – Box P3) _ (p/£) and has varied from the dividend declared in my Form 3 statement dated _____ (insert date of signed Form 3 (Part 1)), for the following reason(s):

**I state that the expected final dividend is now _____ (insert amount of expected final dividend – Box P3) _ (p/£). This is less than 80% of the final dividend declared in my Form 3 statement dated _____ (insert date Form 3 (Part 1) signed).

I have attached the reason(s) for this change and detailed all the options that I have, as trustee, for finalising this trust deed, with the expected timeframe and final dividend for each option and my recommended course of action (see Note 6).

Creditors are invited to approve my recommended course of action

Unless I receive, within 21 days of the date of this Form 4, notification in writing from a majority in number, or not less than one third in value of creditors, that they object to my recommended action, it will be assumed that creditors support the recommended action and I will proceed to complete the administration of this protected trust deed in accordance with my recommendation.

** delete if not appropriate

Signed _____ (trustee)

Name _____ (trustee)

Date _____

Notes

1. Form 4 must be sent to: the debtor; all creditors who have acceded to, or are deemed to have acceded to, the protection of this trust deed and to the Accountant in Bankruptcy, no later than 6 weeks after the expiry of each one year period following the granting of the trust deed.
2. Record totals of all Form 4s submitted to date.
3. If the final expected 'fixed administration fee' has increased, a copy of the creditors', or the Accountant in Bankruptcy's, approval to increase this fee, must be submitted with the Form 4.
4. This fee must be calculated using the % figures declared in Form 3 (Rows 2, 3 and 4).

5. Record the actual amount of any interim dividend paid in the one year period, the total amount of Interim Dividends paid to date and the total expected final dividend to be paid at the end of the protected trust deed.

Interim Dividends must be paid no later than 6 weeks after month 12 of the trust deed (or an earlier interval) and every ___ months thereafter, if sufficient funds are available.

6. This information must be provided with Form 4, to all creditors who have acceded to, or who are deemed to have acceded to, the protection of this trust deed.

7. Record the details of miscellaneous funds ingathered from e.g. PPI, gratuitous alienation, unfair preference.