

*Status: Point in time view as at 27/05/2020.*

*Changes to legislation: Bankruptcy (Scotland) Act 2016, PART 2 is up to date with all changes known to be in force on or before 09 August 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)*

## SCHEDULE 6 MEETINGS OF CREDITORS AND COMMISSIONERS

### PART 2

#### ALL MEETINGS OF CREDITORS

##### *Validity of proceedings*

- 12 No proceedings at a meeting are invalidated by reason only that a notice or other document relating to the calling of the meeting, being a notice required to be sent or given under a provision of this Act, has not been received by, or come to the attention of, any creditor before the meeting.

##### **Commencement Information**

- I1** Sch. 6 para. 12 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

##### *Locus of meeting*

- 13 <sup>[F1]</sup>Every meeting must be held either—
- (a) in such place (whether or not in the sheriffdom) as is, in the opinion of the person calling the meeting, the most convenient for the majority of the creditors, or
  - (b) by such electronic means as would, in the opinion of the person calling the meeting, be most convenient to allow the majority of the creditors to participate in the meeting without being together in the same place.

##### **Textual Amendments**

- F1** Sch. 6 paras. 13, 13A substituted for sch. 6 para. 13 (temp.) (27.5.2020) by virtue of [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), s. 16(1), [sch. 1 para. 12\(2\)\(a\)](#) (with s. 9) (which affecting provision expires (1.10.2022) by virtue of the [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), [s. 9\(1\)](#))

##### **Commencement Information**

- I2** Sch. 6 para. 13 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 13A Where a meeting is to be held in pursuance of paragraph 13(b), the references in paragraphs 4 and 6 to the place fixed for the holding of the meeting are to be read as references to the electronic means by which attendees are to be able to attend the meeting without being together in the same place.]

##### **Textual Amendments**

- F1** Sch. 6 paras. 13, 13A substituted for sch. 6 para. 13 (temp.) (27.5.2020) by virtue of [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), s. 16(1), [sch. 1 para. 12\(2\)\(a\)](#) (with s. 9) (which affecting provision expires (1.10.2022) by virtue of the [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), [s. 9\(1\)](#))

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### *Mandatories*

14 A creditor may authorise in writing a person to represent the creditor at a meeting.

**Commencement Information**

**I3** Sch. 6 para. 14 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

15 A creditor must lodge with the trustee, before the commencement of the meeting, any authorisation given under paragraph 14.

**Commencement Information**

**I4** Sch. 6 para. 15 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

16 Any reference in paragraph 8, or in the following provisions of this Part, to a creditor includes a reference to a person authorised under paragraph 14 by a creditor.

**Commencement Information**

**I5** Sch. 6 para. 16 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

### *Quorum*

17 The quorum at any meeting is one creditor.

**Commencement Information**

**I6** Sch. 6 para. 17 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

### *Voting at meeting*

18 Any question at a meeting is to be determined by a majority in value of the creditors who vote on that question.

**Commencement Information**

**I7** Sch. 6 para. 18 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

### *Objections by creditors*

19 At any meeting the person chairing it may allow or disallow any objection by a creditor, other than (if the person chairing the meeting is not the trustee) an objection relating to a creditor's claim.

**Commencement Information**

**I8** Sch. 6 para. 19 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

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- 20 A person aggrieved by the determination of the person chairing the meeting in respect of an objection may appeal to the sheriff against the determination.

**Commencement Information**

**I9** Sch. 6 para. 20 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 21 If the person chairing the meeting is in doubt as to whether to allow or disallow an objection, the meeting must proceed as if no objection had been made, except that for the purposes of appeal the objection is to be deemed to have been disallowed.

**Commencement Information**

**I10** Sch. 6 para. 21 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

*Adjournment of meeting*

- 22 If no creditor has appeared at a meeting by half an hour after the time appointed for its commencement, the person chairing the meeting may adjourn it to such other day as that person may appoint, being a day no fewer than 7, nor more than 21, days after that on which the meeting is adjourned.

**Commencement Information**

**I11** Sch. 6 para. 22 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 23 The person chairing the meeting may, with the consent of a majority in value of the creditors who vote on a resolution to adjourn a meeting, adjourn the meeting.

**Commencement Information**

**I12** Sch. 6 para. 23 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

- 24 Any adjourned meeting must be held at the same time [<sup>F2</sup>and place][<sup>F2</sup>, and at the same place or by the same electronic means,] as the original meeting, unless [<sup>F3</sup>in the resolution another time or place is specified][<sup>F3</sup>the resolution otherwise specifies].

**Textual Amendments**

**F2** Words in [sch. 6 para. 24](#) substituted (temp.) (27.5.2020) by virtue of [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), [s. 16\(1\)](#), [sch. 1 para. 12\(2\)\(b\)\(i\)](#) (with [s. 9](#)) (which affecting provision expires (1.10.2022)) by virtue of the [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), [s. 9\(1\)](#))

**F3** Words in [sch. 6 para. 24](#) substituted (temp.) (27.5.2020) by virtue of [Coronavirus \(Scotland\) \(No.2\) Act 2020 \(asp 10\)](#), [s. 16\(1\)](#), [sch. 1 para. 12\(2\)\(b\)\(ii\)](#) (with [s. 9](#)) (which affecting provision expires (1.10.2022)) by virtue of the [Coronavirus \(Scotland\) Act 2020 \(asp 7\)](#), [s. 9\(1\)](#))

**Commencement Information**

**I13** Sch. 6 para. 24 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

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*Minutes of meeting*

- 25 The minutes of every meeting must be signed by the person who chaired the meeting and within 14 days after the meeting must be sent to AiB.

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**Commencement Information**

**I14** Sch. 6 para. 25 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

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