



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 10

CLAIMS, DIVIDENDS AND DISTRIBUTION ETC.

Entitlement to vote and draw a dividend

128 Voting and drawing a dividend

- (1) A creditor whose claim has been accepted in whole or in part by the trustee in the sequestration or on review or appeal under section 127 is entitled, in a case where the acceptance is under (or on review or appeal arising from)—
 - (a) section 126(1), to vote on any matter at the meeting of creditors for the purpose of voting at which the claim is accepted, or
 - (b) section 126(3), to payment out of the debtor's estate of a dividend in respect of the accounting period for the purposes of which the claim is accepted.
- (2) But—
 - (a) paragraph (a) of subsection (1) is subject to sections 70(1)(a) and 77(1) and (7)(b), and
 - (b) the entitlement mentioned in paragraph (b) of that subsection arises only in so far as the estate has funds available, having regard to section 129, to make the payment in question.
- (3) No vote may be cast, by virtue of a debt, more than once on any resolution put to a meeting of creditors.
- (4) Where a creditor—
 - (a) is entitled to vote under this section,
 - (b) has lodged the creditor's claim in one or more sets of other proceedings, and
 - (c) votes (either in person or by proxy) on a resolution put to the meeting,only the creditor's vote is to be counted.
- (5) Subsection (6) applies where—
 - (a) a creditor has lodged the creditor's claim in more than one set of other proceedings, and

Status: This is the original version (as it was originally enacted).

- (b) more than one member State liquidator seeks to vote by virtue of the claim.
- (6) The entitlement to vote by virtue of the claim is exercisable by the member State liquidator in main proceedings whether or not the creditor has lodged the claim in those proceedings.
- (7) For the purposes of subsections (4) to (6), “other proceedings” means main proceedings, secondary proceedings or territorial proceedings in a member State other than the United Kingdom.