



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 11

DISCHARGE

Discharge of trustee

151 Discharge of Accountant in Bankruptcy

- (1) This section applies where AiB has acted as the trustee in the sequestration.
- (2) AiB must deposit any unclaimed dividends and any unapplied balances in an appropriate bank or institution.
- (3) AiB must send to the debtor and to all creditors known to AiB—
 - (a) a determination of AiB's fees and outlays calculated in accordance with regulations under section 205,
 - (b) a notice in writing stating—
 - (i) that AiB has commenced the procedure under this Act leading to discharge in respect of AiB's actings as trustee,
 - (ii) that the sederunt book relating to the sequestration is available for inspection following a request made to AiB,
 - (iii) that an application for review may be made under subsection (4),
 - (iv) that an appeal may be made to the sheriff under subsection (7), and
 - (v) the effect of subsections (9) and (10).
- (4) The debtor or any creditor may apply to AiB for review of the discharge of AiB in respect of AiB's actings as trustee.
- (5) Any application under subsection (4) must be made within 14 days beginning with the day on which notice is sent under subsection (3)(b).
- (6) If an application under subsection (4) is made, AiB must—
 - (a) take into account any representations made by an interested person within 21 days beginning with the day on which the application is made, and
 - (b) confirm or revoke the discharge within 28 days beginning with that day.

Status: This is the original version (as it was originally enacted).

- (7) The debtor or any creditor may, within 14 days beginning with the day on which a decision is made by AiB under subsection (6)(b), appeal to the sheriff against that decision.
- (8) The decision of the sheriff on an appeal under subsection (7) is final.
- (9) Subsection (10) applies where—
- (a) the requirements of this section have been complied with, and
 - (b) no appeal is made under subsection (7) or such an appeal is made but is refused as regards the discharge of AiB.
- (10) AiB is discharged from all liability (other than any liability arising from fraud)—
- (a) to the debtor, or
 - (b) to the creditors,
- in respect of any act or omission of AiB in exercising the functions of trustee in the sequestration (including, where the trustee was also the interim trustee, the functions of interim trustee).