



Bankruptcy (Scotland) Act 1985

1985 CHAPTER 66

Administration of bankruptcy

1 Accountant in Bankruptcy

- (1) The Accountant in Bankruptcy shall have the following general functions in the administration of sequestration and personal insolvency—
 - (a) the supervision of the performance by interim trustees, permanent trustees and commissioners of the functions conferred on them by this Act and the investigation of any complaints made against them ;
 - (b) the maintenance of a list of persons (in this Act referred to as the " list of interim trustees ") from which interim trustees shall be appointed ;
 - (c) the maintenance of a register (in this Act referred to as the " register of insolvencies "), in a form prescribed by the Court of Session by act of sederunt, which shall contain particulars of—
 - (i) estates which have been sequestrated ; and
 - (ii) trust deeds which have been sent to him for registration under paragraph 5(d) of Schedule 5 to this Act; and
 - (d) the preparation of an annual report which shall be presented to the Court of Session and the Secretary of State and shall contain—
 - (i) statistical information relating to the state of all sequestrations of which particulars have been registered in the register of insolvencies during the year to which the report relates ;
 - (ii) particulars of trust deeds registered as protected trust deeds in that year ; and
 - (iii) particulars of the performance of the Accountant in Bankruptcy's functions under this Act.
- (2) The Accountant of Court shall be the Accountant in Bankruptcy.
- (3) If it appears to the Accountant in Bankruptcy that an interim trustee, permanent trustee or commissioner has failed without reasonable excuse to perform a duty imposed on him by any provision of this Act, he shall report the matter to the court which, after hearing the interim trustee, permanent trustee or commissioner on the matter, may

remove him from office or censure him or make such other order as the circumstances of the case may require.

(4) If the Accountant in Bankruptcy has reasonable grounds to suspect that an interim trustee, permanent trustee or commissioner has committed an offence in the performance of his functions under this Act, or that an offence has been committed in relation to a sequestration—

- (a) by the debtor, in respect of his assets, his dealings with them or his conduct in relation to his business or financial affairs; or
- (b) by a person other than the debtor in that person's dealings with the debtor, the interim trustee or the permanent trustee in respect of the debtor's assets, business or financial affairs,

he shall report the matter to the Lord Advocate.

(5) The Accountant in Bankruptcy shall—

- (a) make the register of insolvencies, at all reasonable times, available for inspection; and
- (b) provide any person, on request, with a certified copy of any entry in the register.

(6) The power of the Secretary of State to regulate fees under section 2 of the Courts of Law Fees (Scotland) Act 1895 shall include power to prescribe the fees payable in respect of any matter relating to the functions of the Accountant in Bankruptcy.