
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 118

The Bankruptcy Fees etc. (Scotland) Regulations 2012

Fees and outlays as interim trustee or trustee

5. Any fees and outlays payable to the Accountant in Bankruptcy in respect of the exercise by or on behalf of that office, of its functions as interim trustee or trustee in a sequestration are due for payment from the sequestrated estate where—

- (a) the Accountant in Bankruptcy has made a determination of its fees and outlays calculated in accordance with these Regulations, under and in accordance with, as appropriate, one of these provisions of the 1985 Act—
 - (i) section 26A(3)(b)(1) (determination of fees and outlays where Accountant in Bankruptcy was interim trustee and some other person becomes trustee);
 - (ii) section 53(1), as adapted by paragraph 9(2) of Schedule 2(2) (determination of fees and outlays at end of each accounting period where Accountant in Bankruptcy is trustee);
 - (iii) section 58A(2)(c)(3) (determination of fees and outlays on discharge of Accountant in Bankruptcy as trustee);
 - (iv) paragraph 9(1A) of Schedule 4(4) (determination of fees and outlays on discharge of Accountant in Bankruptcy as trustee where offer of composition is approved); and
- (b) the period within which an appeal against such a determination may be taken to the sheriff has expired or, if an appeal is so taken, that appeal has been determined, under, as appropriate, one of these provisions of the 1985 Act—
 - (i) section 26A(5) and (6);
 - (ii) section 53(4), as adapted by paragraph 9(2) of Schedule 2;
 - (iii) section 58A(5) and (6);
 - (iv) paragraph 9(3) of Schedule 4(5).

(1) Section 26A was inserted by paragraph 15(1) of Schedule 1 to the Bankruptcy (Scotland) Act 1993.
(2) Paragraph 9(2) was substituted by paragraph 30(10) of Schedule 1 to the Bankruptcy (Scotland) Act 1993. Schedule 2 was repealed by section 11(6) of the [Bankruptcy and Diligence etc. \(Scotland\) Act 2007](#), but saved by article 5(2) of [S.S.I. 2008/115](#) in respect of sequestration petitions presented before the 1st April 2008.
(3) Section 58A was inserted by paragraph 26 of Schedule 1 to the Bankruptcy (Scotland) Act 1993.
(4) Paragraph 9(1A) was amended by paragraph 31(3) of Schedule 1 to the [Bankruptcy \(Scotland\) Act 1993](#) (“the 1993 Act”) and paragraph 1 of Schedule 6 to the [Bankruptcy and Diligence etc. \(Scotland\) Act 2007](#) (“the 2007 Act”).
(5) [S.S.I. 2008/143](#); regulation 10(2) was as amended by [S.S.I. 2010/398](#), regulation 7(c).