



Bankruptcy (Scotland) Act 1985

1985 CHAPTER 66

Administration of bankruptcy

2 Interim trustee

- (1) In every sequestration there shall be appointed under section 13 of this Act an interim trustee whose general functions shall be—
 - (a) to safeguard the debtor's estate pending the appointment of a permanent trustee under this Act;
 - (b) to ascertain the reasons for the debtor's insolvency and the circumstances surrounding it;
 - (c) to ascertain the state of the debtor's liabilities and assets;
 - (d) to administer the sequestration process pending the appointment of a permanent trustee ; and
 - (e) whether or not he is still acting in the sequestration, to supply the Accountant in Bankruptcy with such information as the Accountant in Bankruptcy considers necessary to enable him to discharge his functions under this Act.
- (2) A person shall be entitled to have his name included in the list of interim trustees if, but only if, he—
 - (a) resides within the jurisdiction of the Court of Session; and
 - (b) is qualified to act as an insolvency practitioner.
- (3) The Accountant in Bankruptcy shall remove a person's name from the list of interim trustees—
 - (a) at the person's own request;
 - (b) if it appears to the Accountant in Bankruptcy that the person has ceased to meet either of the requirements mentioned in subsection (2) above ; or
 - (c) if, on an application by the Accountant in Bankruptcy to the sheriff for the sheriffdom in which the person is habitually resident or his principal place of business is, or was last, situated, the sheriff is satisfied that the person is physically or mentally incapacitated from acting as interim trustee :

Status: This is the original version (as it was originally enacted).

Provided that removal of a person's name in pursuance of paragraph (a) above shall not absolve that person, if he is acting as an interim or permanent trustee in a particular case, from continuing so to act until he has completed his duties in relation to that case:

Provided also that, until the coming into force of section 2 of the Insolvency Act 1985 (qualifications of insolvency practitioners), paragraph (b) above shall have effect as if at the end were added the words " or is not a fit and proper person to act as an interim trustee ".

- (4) Any person aggrieved by the exclusion or removal of his name from the list of interim trustees may appeal against that exclusion or removal to the Court of Session.