Status: Point in time view as at 28/07/2000. This version of this provision has been superseded.
Changes to legislation: Bankruptcy (Scotland) Act 1985 (repealed), Section 26A is up to date with all changes known
to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes
that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Bankruptcy (Scotland) Act 1985 (repealed)

1985 CHAPTER 66

Statutory meeting of creditors and confirmation of permanent trustee

[26A **F1Accountant in Bankruptcy to account for intromissions.**

(1) This section applies in any case where the Accountant in Bankruptcy was the interim trustee and some other person becomes the permanent trustee.

(2) The Accountant in Bankruptcy shall, on confirmation of the permanent trustee in office, hand over to the permanent trustee everything in his possession which relates to the sequestration and which he obtained in his capacity as interim trustee (including the statement of assets and liabilities); and thereupon he shall cease to act as interim trustee.

(3) The Accountant in Bankruptcy shall, not later than 3 months after the confirmation in office of the permanent trustee, supply to the permanent trustee—
  (a) his accounts of his intromissions (if any) as interim trustee with the debtor's estate;
  (b) a determination of his fees and outlays calculated in accordance with regulations made under section 69A of this Act; and
  (c) a copy of the notice mentioned in subsection (4)(b) below.

(4) The Accountant in Bankruptcy shall send to the debtor and to all creditors known to him—
  (a) a copy of the determination mentioned in subsection (3)(b) above; and
  (b) a notice in writing stating—
    (i) that the Accountant in Bankruptcy has commenced the procedure under this Act leading to discharge in respect of his actings as interim trustee;
    (ii) that the accounts of his intromissions (if any) with the debtor's estate are available for inspection at such address as the Accountant in Bankruptcy may determine;

(iii) that an appeal may be made to the sheriff under subsection (5) below; and

(iv) the effect of subsection (7) below.

(5) The permanent trustee, the debtor and any creditor may appeal to the sheriff against—

(a) the determination of the Accountant in Bankruptcy mentioned in subsection (3)(b) above;

(b) the discharge of the Accountant in Bankruptcy in respect of his actings as interim trustee; or

(c) both such determination and discharge.

(6) An appeal under subsection (5) above shall be made not more than 14 days after the issue of the notice mentioned in subsection (4)(b) above; and the decision of the sheriff on such an appeal shall be final.

(7) Where—

(a) the requirements of this section have been complied with; and

(b) no appeal is made to the sheriff under subsection (5) above or such an appeal is made but is refused as regards the discharge of the Accountant in Bankruptcy,

the Accountant in Bankruptcy shall be discharged from all liability (other than any liability arising from fraud) to the creditors or to the debtor in respect of any act or omission of the Accountant in Bankruptcy in exercising the functions of interim trustee in the sequestration.

(8) The permanent trustee, on being confirmed in office, shall make such insertions in the sederunt book as are appropriate to provide a record of the sequestration process before his confirmation.]

Textual Amendments

F1 S. 26A inserted (1.4.1993, subject to savings in arts. 4, 5 of S.I. 1993/438) by 1993 c. 6, s. 11(3), **Sch. 1 para.15** (with s. 12(6)); S.I. 1993/438, **art.3**

Status:
Point in time view as at 28/07/2000. This version of this provision has been superseded.

Changes to legislation:
Bankruptcy (Scotland) Act 1985 (repealed), Section 26A is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.