



# Third Parties (Rights against Insurers) Act 2010

## 2010 CHAPTER 10

### *Relevant persons*

#### **7 Scottish trusts**

- (1) A trustee of a Scottish trust is, in respect of a liability of that trustee that falls to be met out of the trust estate, a relevant person if—
  - (a) an award of sequestration has been made under section 6 of the Bankruptcy (Scotland) Act 1985 in respect of the trust estate, and the trust has not been discharged under that Act,
  - (b) a protected trust deed within the meaning of that Act is in force in respect of the trust estate, or
  - (c) a composition approved in accordance with Schedule 4 to that Act is in force in respect of the trust estate.
- (2) Where an award of sequestration made under section 6 of the Bankruptcy (Scotland) Act 1985 is recalled or reduced any rights which were transferred under section 1 as a result of that award are re-transferred to and vest in the person who became a relevant person as a result of the award.
- (3) Where an order discharging an individual, body or trust from an award of sequestration made under section 6 of the Bankruptcy (Scotland) Act 1985 is recalled or reduced under paragraph 17 or 18 of Schedule 4 to that Act, the order is to be treated for the purposes of this section as never having been made.
- (4) In this section “Scottish trust” means a trust the estate of which may be sequestrated under section 6 of the Bankruptcy (Scotland) Act 1985.