



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 1

### BANKRUPTCY

#### *The trustee in the sequestration*

#### **6 Amalgamation of offices of interim trustee and permanent trustee**

(1) In section 2 of the 1985 Act (appointment and functions of interim trustee)—

(a) after subsection (2), insert—

“(2A) Where the sheriff awards sequestration of the debtor’s estate and an interim trustee has been appointed in pursuance of subsection (5) below, the sheriff may appoint—

- (a) the interim trustee; or
- (b) subject to subsection (2B) below, such other person as may be nominated by the petitioner,

to be the trustee in the sequestration.

(2B) A person nominated under subsection (2A)(b) above may be appointed to be the trustee in the sequestration only if—

- (a) it appears to the sheriff that the person satisfies the conditions mentioned in subsection (3) below; and
- (b) a copy of the undertaking mentioned in subsection (3)(c) below has been lodged with the sheriff.

(2C) Where the sheriff does not appoint a person to be trustee in pursuance of subsection (2A) above, the sheriff shall appoint the Accountant in Bankruptcy to be the trustee in the sequestration.”;

(b) after subsection (6), insert—

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*Status: This is the original version (as it was originally enacted).*

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- “(6A) The interim trustee’s general function shall be to safeguard the debtor’s estate pending the determination of the petition for sequestration.
- (6B) Whether or not the interim trustee is still acting in the sequestration, the interim trustee shall 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.”; and
- (c) the heading to that section becomes “Appointment and functions of the trustee in the sequestration”.
- (2) The heading to section 3 of that Act becomes “Functions of the trustee”.
- (3) Unless the context otherwise requires, any reference in any enactment to—
- (a) an “interim trustee”; or
  - (b) a “permanent trustee”,
- is to be construed as a reference to a trustee in the sequestration.