
Status: This is the original version (as it was originally enacted).

SCHEDULE 1

(introduced by section 5(2))

SCHEDULE A1 TO THE 1985 ACT

This is the Schedule that is to be inserted as Schedule A1 to the 1985 Act—

“SCHEDULE A1

(introduced by section 5(2ZE))

DEBTOR TO WHOM SECTION 5(2ZA) APPLIES: APPLICATION OF ACT

Modification of certain provisions of Act

- 1 (1) Where section 5(2ZA) applies in relation to a debtor, this Act applies subject to the modifications mentioned in sub-paragraphs (2) to (6).
 - (2) Section 3(1) applies as if paragraphs (e) and (f) were omitted.
 - (3) Section 20 applies as if for subsection (1) there were substituted—

“(1) This section applies where the Accountant in Bankruptcy receives by virtue of section 5(6A) the statement of assets and liabilities in relation to a debtor to whom section 5(2ZA) applies.
 - (1A) As soon as practicable, the Accountant in Bankruptcy must prepare a statement of the debtor’s affairs so far as within the knowledge of the Accountant in Bankruptcy stating that, because section 5(2ZA) applies to the debtor, no claims may be submitted by creditors under section 22 or 48.
 - (1B) The Accountant in Bankruptcy must send a copy of the statement prepared under subsection (1A) to every known creditor of the debtor.”.
 - (4) Section 43A applies as if for subsection (2) there were substituted—

“(2) The Accountant in Bankruptcy may at any time before the discharge of the debtor require the debtor to give an account in writing, in such form as may be prescribed, of the debtor’s current state of affairs.”.
 - (5) Section 58A applies as if—
 - (a) subsections (3) to (4C) and (7)(a) were omitted, and
 - (b) for subsection (5) there were substituted—

“(5) The debtor or any creditor may, before the expiry of the period of 14 days beginning with the day on which the debtor is discharged under section 54C(1), appeal to the sheriff against the discharge of the Accountant in Bankruptcy in respect of the Accountant in Bankruptcy’s acting as trustee.”.
 - (6) Sections 21A, 22, 23, 24, 25, 26 to 27, 48, 52 and 62(2A) do not apply.

Accountant in Bankruptcy’s duty to consider whether paragraph 1 should cease to apply

- 2 (1) This paragraph applies where paragraph 1 applies in relation to a debtor.

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- (2) If the Accountant in Bankruptcy considers that the circumstances mentioned in any of sub-paragraphs (3) to (6) apply in relation to the debtor, the Accountant in Bankruptcy must consider whether paragraph 1 should cease to apply in relation to the debtor.
- (3) The circumstances are—
- (a) the Accountant in Bankruptcy becomes aware that the debtor application submitted under section 5 contains an error, and
 - (b) the nature of the error is such that the debtor was not at that time a debtor to whom section 5(2ZA) applies.
- (4) The circumstances are—
- (a) the Accountant in Bankruptcy becomes aware that the debtor application submitted under section 5 deliberately misrepresents or fails to state a fact that was the case at the time of the application, and
 - (b) the nature of the misrepresentation or the omission of the fact is such that the debtor was not at that time a debtor to whom section 5(2ZA) applies.
- (5) The circumstances are that, at any time after the date on which the debtor application is made—
- (a) the total value of the debtor’s assets (leaving out of account any liabilities and any assets that would not vest in a trustee under section 33(1)) exceeds £5000 (or such other amount as may be prescribed), or
 - (b) the Accountant in Bankruptcy assesses the debtor under the common financial tool as being able to make a contribution.
- (6) The circumstances are that, at any time after the date of sequestration—
- (a) the Accountant in Bankruptcy is not satisfied that the debtor has co-operated with the trustee, and
 - (b) the Accountant in Bankruptcy considers that it would be of financial benefit to the estate of the debtor and in the interests of the creditors if paragraph 1 were to cease to have effect.
- (7) The Scottish Ministers may by regulations modify this paragraph—
- (a) by modifying the circumstances in which paragraph 1 ceases to have effect,
 - (b) in consequence of any modification made under paragraph (a).

Procedure where Accountant in Bankruptcy considers paragraph 1 should cease to apply

- 3 (1) If the Accountant in Bankruptcy considers under paragraph 2(2) that paragraph 1 should cease to apply in relation to a debtor, the Accountant in Bankruptcy must notify the debtor of that fact and the matters mentioned in sub-paragraph (2).
- (2) The matters are—
- (a) the circumstances mentioned in paragraph 2 which the Accountant in Bankruptcy considers apply in relation to the debtor, and
 - (b) that the debtor may make representations to the Accountant in Bankruptcy within the period of 14 days beginning with the giving of notification under sub-paragraph (1).

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- (3) On the expiry of the period mentioned in sub-paragraph (2)(b) and after having taken into account any representations made by the debtor under that sub-paragraph, the Accountant in Bankruptcy must decide whether paragraph 1 should cease to apply in relation to the debtor.
- (4) If the Accountant in Bankruptcy decides that paragraph 1 should cease to apply in relation to the debtor, the Accountant in Bankruptcy must, as soon as practicable after reaching that decision, give notice in writing to the debtor of the decision and the effect of it.

Debtor's right of appeal against decision under paragraph 3

- 4 (1) This paragraph applies where the Accountant in Bankruptcy gives notice to a debtor under paragraph 3(4).
- (2) The debtor may appeal to the sheriff against the decision.
- (3) An appeal must be lodged not later than 14 days after the day on which notice is given.
- (4) If the sheriff grants the appeal, paragraph 1 continues to apply in relation to the debtor.
- (5) If the sheriff refuses the appeal or if it is abandoned or withdrawn, paragraph 1 ceases to apply in relation to the debtor.

Decision that paragraph 1 ceases to have effect: modification of certain provisions of Act

- 5 (1) Where paragraph 1 ceases to have effect in relation to a debtor, this Act applies subject to sub-paragraphs (2) to (4).
- (2) The debtor must send to the trustee a statement of assets and liabilities—
 - (a) where no appeal is taken under paragraph 4, before the expiry of the period of 7 days beginning with the expiry of the period during which an appeal may be made under that paragraph,
 - (b) where an appeal is refused or, as the case may be, abandoned or withdrawn, before the expiry of the period of 7 days beginning with the day on which notice is given of the outcome of the appeal or, as the case may be, its abandonment or withdrawal.
- (3) Section 21A applies as if in subsection (2), for “sequestration is awarded” there were substituted “paragraph 1 of Schedule A1 ceases to have effect in relation to the debtor”.
- (4) Section 43A applies as if for subsection (2) there were substituted—

“(2) The trustee must require the debtor to give an account in writing, in such form as may be prescribed, of the debtor's current state of affairs—

 - (a) before the expiry of the period of 60 days beginning with the day on which paragraph 1 of Schedule A1 ceases to have effect in relation to the debtor,
 - (b) on the expiry of the period of 6 months beginning with the day on which the account is given under paragraph (a), and
 - (c) on the expiry of each subsequent period of 6 months.”.

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

SCHEDULE 2

(introduced by section 23(4))

INFORMATION TO BE INCLUDED IN THE SEDERUNT BOOK

This is the Schedule that is to be inserted as Schedule 3A to the 1985 Act—

“SCHEDULE 3A

(introduced by section 62(2A))

INFORMATION TO BE INCLUDED IN THE SEDERUNT BOOK

- 1 A copy of a debtor application made under section 5(2)(a).
- 2 A copy of a petition presented under section 5(2)(b).
- 3 Where the trustee is the Accountant in Bankruptcy, a copy of a statement of assets and liabilities sent to the Accountant in Bankruptcy in accordance with section 5(6A).
- 4 A copy of an award of sequestration granted under section 12(1) or (3).
- 5 A copy of a warrant to cite the debtor granted under section 12(2).
- 6 Where the trustee is not the Accountant in Bankruptcy—
 - (a) the audited accounts sent to the trustee by the Accountant in Bankruptcy in accordance with section 13A(5)(d), and
 - (b) the determination fixing the amount of the outlays and remuneration payable to the interim trustee sent to the trustee by the Accountant in Bankruptcy in accordance with section 13A(5)(d).
- 7 Where the trustee is the Accountant in Bankruptcy—
 - (a) the accounts audited by the Accountant in Bankruptcy in accordance with section 13A(5)(a), and
 - (b) the determination fixing the amount of the outlays and remuneration payable to the interim trustee issued in accordance with section 13A(5)(b).
- 8 Where the Accountant in Bankruptcy is appointed as interim trustee and the sheriff awards sequestration in accordance with section 13B(1)(a)—
 - (a) the accounts of the Accountant in Bankruptcy’s intromissions (if any) with the debtor’s estate; and
 - (b) the determination of the Accountant in Bankruptcy’s fees and outlays calculated in accordance with regulations made under section 69A.
- 9 A copy of any—
 - (a) order recalling or refusing to recall an award of sequestration by the sheriff under section 17 and sent to the trustee under section 17(8)(b)(ii),
 - (b) grant or refusal to grant a recall of an award of sequestration under section 17D(1), 17E(6) or 17G.
- 10 A copy of any order under section 41(1)(b)(ii) or 41A(1)(b)(ii) sent to the trustee under section 17(8)(b).
- 11 Where the trustee is a replacement trustee appointed under section 25 and the Accountant in Bankruptcy was not the original trustee—

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- (a) a copy of any determination fixing the amount of the outlays and remuneration payable to the original trustee and of the original trustee's audited accounts which is sent to the trustee under section 26(3)(b)(ii),
 - (b) upon appointment, such information as is appropriate to provide a record of the sequestration process before the trustee's appointment as replacement trustee (except that no entry is to be made in relation to any written comments made by the original trustee under section 20(2)), and
 - (c) an entry recording any certificate of discharge issued to the original trustee under section 27.
- 12 Where the trustee is not the Accountant in Bankruptcy, a copy of a statement of assets and liabilities sent to the trustee under section 19(1) or (2).
- 13 A copy of a notice given under section 21A(2).
- 14 Where the trustee is not the Accountant in Bankruptcy, a copy of a report made under section 21B(1)(a).
- 15 Where the trustee is a replacement trustee appointed under section 25 and the Accountant in Bankruptcy was the original trustee, upon appointment, such information as is appropriate to provide a record of the sequestration process before the trustee's appointment as replacement trustee.
- 16 A copy of any initial proposal for the debtor's contribution provided by the trustee under section 32A(1)(b).
- 17 A copy of a debtor contribution order applying to the debtor.
- 18 A copy of any decree issued under section 34 affecting the sequestrated estate.
- 19 A copy of any decree of recall issued following an application under section 35(2).
- 20 A copy of any decree issued under section 36 affecting the sequestrated estate.
- 21 The inventory and valuation of the estate made up and maintained in accordance with section 38(1)(b).
- 22 A copy of an account given by the debtor under section 43A(2).
- 23 The debtor's deposition at an examination subscribed under section 47(5).
- 24 A copy of the record of an examination sent to the Accountant in Bankruptcy under section 47(6).
- 25 An appropriate entry in relation to the production of any document to the trustee in accordance with section 48(7), stating the date when it was produced to the trustee.
- 26 Where the trustee accepts or rejects a claim under section 49, the decision on the claim, specifying—
- (a) the amount of the claim accepted by the trustee,
 - (b) the category of debt, and the value of any security, as decided by the trustee, and
 - (c) if the claim is rejected, the reasons.
- 27 A copy of a decision of the Accountant in Bankruptcy under section 49(6C)(b) and of the sheriff under section 49(6D).
- 28 An agreement or determination in respect of the accounting period under section 52(2)(b)(i) or (ii).

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- 29 Where the trustee is not the Accountant in Bankruptcy, the audited accounts, the scheme of division and the final determination in relation to the trustee's outlays and remuneration, as mentioned in section 53.
- 30 A copy the certificate of discharge given to the debtor under section 54(2) or 54A(2) or 54F.
- 31 A copy the certificate deferring discharge where the debtor cannot be traced issued under section 54D(4)(b) or (6)(b).
- 32 Where the Accountant in Bankruptcy has acted as trustee, after making the final division of the debtor's estate—
- (a) the Accountant in Bankruptcy's final accounts of the Accountant in Bankruptcy's intromissions (if any) with the debtor's estate,
 - (b) the scheme of division (if any), and
 - (c) a determination of the Accountant in Bankruptcy's fees and outlays calculated in accordance with regulations made under section 69A.
- 33 Where the Accountant in Bankruptcy has acted as trustee and is discharged from all liability as mentioned in section 58A(7), an appropriate entry in relation to such discharge.
- 34 A decision of the court under section 63 and of the Accountant in Bankruptcy under section 63A.
- 35 A copy of a decree arbitral or, as the case may be, an appropriate entry recording the compromise referred to in section 65.
- 36 The minutes of the meeting mentioned in paragraph 7 of Schedule 6.
- 37 A copy of the minutes of any meeting sent to the Accountant in Bankruptcy in accordance with paragraph 16 of Schedule 6.
- 38 Where a meeting of commissioners is called in accordance with paragraph 17 of Schedule 6—
- (a) a record of the deliberations of the commissioners at the meeting,
 - (b) where the trustee is not clerk in accordance with paragraph 21 of Schedule 6, a record of the deliberations of the commissioners transmitted by the commissioner acting as clerk, such commissioner to authenticate the insertion when made, and
 - (c) in relation to any matter agreed without a meeting, the minute recording that agreement signed in accordance with paragraph 23 of Schedule 6.”.
- 39 A copy of any decision (including any determination, direction, award, acceptance, rejection, adjudication, requirement, declaration, order or valuation) relating to the sequestration which is—
- (a) issued by the Accountant in Bankruptcy, and
 - (b) not otherwise mentioned in this Schedule.
- 40 A copy of any decree, interlocutory decree, direction or order relating to the sequestration which is—
- (a) granted by the court, and
 - (b) not otherwise mentioned in this Schedule.”.

SCHEDULE 3
(introduced by section 56(1))
MINOR AND CONSEQUENTIAL AMENDMENTS

Sheriff Courts (Scotland) Act 1971 (c.58)

- 1 In section 32(1)(m) of the Sheriff Courts (Scotland) Act 1971 (appearance before a sheriff under the 1985 Act), after “sequestration” insert “or section 54B(6) of that Act (appeal following review of discharge decision)”.

Bankruptcy (Scotland) Act 1985 (c.66)

- 2 The Bankruptcy (Scotland) Act 1985 Act is amended as follows.
- 3 In section 1A(1)(b) (register of insolvencies)—
- (a) before sub-paragraph (i) insert—
- “(ai) persons who are the subject of notices under section 4A(1) and 4B(1),”, and
- (b) in sub-paragraph (ia), for the words from “interim” to the end substitute “and interim bankruptcy restrictions orders”.
- 4 In section 5 (sequestration of the estate of living or deceased debtor)—
- (a) in subsection (2B)(c), after sub-paragraph (ib), insert “or”, and
- (b) in subsection (4A)(a), for “section 33(1) of this Act” substitute “any provision of this or any other enactment”.
- 5 In section 5B (certificate for sequestration), in each of subsections (1), (3) and (5) (b), for “an authorised person”, wherever it occurs, substitute “a money adviser”.
- 6 In section 6 (sequestration of other estates)—
- (a) in subsection (2), after paragraph (a) insert—
- “(aa) a limited liability partnership,”,
- (b) before paragraph (a) of subsection (4) insert—
- “(za) by debtor application made by the partnership where the partnership is apparently insolvent,”,
- (c) after subsection (4) insert—
- “(4A) For the purposes of an application under subsection (4)(za), section 7(3)(a) is to be read as if—
- (a) the word “either” were omitted, and
- (b) the words “or if any of the partners is apparently insolvent for a debt of the partnership” were omitted.”,
- (d) in subsection (8), after “(8A)” insert “(but not (9) or (10))”.
- 7 In section 7 (meaning of “apparent insolvency”)—
- (a) in subsection (1), for paragraph (c), substitute—
- “(c) the debtor grants a trust deed,
- (ca) following the service on the debtor of a duly executed charge for payment of a debt, the days of charge expire without payment (unless the circumstances are shown to be such as are mentioned in subsection (1A)),

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- (cb) a decree of adjudication of any part of the debtor’s estate is granted, either for payment or in security (unless the circumstances are shown to be such as are mentioned in subsection (1A)),
 - (cc) a debt constituted by a decree or document of debt (as defined in section 10 of the Debt Arrangement and Attachment (Scotland) Act 2002) is being paid by the debtor under a debt payment programme under Part 1 of that Act and the programme is revoked (unless the circumstances are shown to be such as are mentioned in subsection (1A)),”
 - (b) after subsection (1), insert—
 - “(1A) The circumstances are—
 - (a) that, at the time of the occurrence, the debtor was able and willing to pay the debtor’s debts as they became due, or
 - (b) that, but for the debtor’s property being affected by a restraint order or being subject to a confiscation order or charging order, the debtor would at that time have been able to pay those debts as they became due.”, and
 - (c) in subsection (3), in each of paragraphs (a) and (b), after “constituted” insert “(or, as the case may be, again constituted)”.
- 8 In section 9(1A) (jurisdiction), after “living” insert “or deceased”.
- 9 In section 12 (when sequestration is awarded)—
 - (a) in subsection (1), after “made” insert “and sections 11A and 11B do not apply”, and
 - (b) in subsection (4)(b), after “deed” insert “and sequestration is awarded”.
- 10 In section 13B (termination of Accountant in Bankruptcy’s functions as interim trustee where not appointed as trustee)—
 - (a) in subsection (4)(b), for “claim” substitute “determination”, and
 - (b) in subsection (5), for paragraph (c) substitute—
 - “(c) that, in the circumstances mentioned in subsection (9), the Accountant in Bankruptcy is discharged from any liability incurred while acting as interim trustee.”.
- 11 In section 14(1) (registration of warrant or determination of debtor application: duties of sheriff clerk)—
 - (a) for “date of sequestration” substitute “sheriff grants warrant under section 12(2)”, and
 - (b) for “section 12(2) of this Act” substitute “that section”.
- 12 In section 14(3) (expiry of effect of inhibition), after paragraph (a) insert—
 - “(ab) on the recording under section 10A(3D), 17D(6) or 17E(8) of a certified copy of a decision,”.
- 13 In section 15(4), for “16 and 17” substitute “10A(3A), 16, 17, 17D and 17E”.
- 14 In section 17 (recall of sequestration)—
 - (a) in subsection (2), after “more” insert “other”,
 - (b) in subsection (3), in paragraph (a), for “the”, where it third occurs, substitute “any”, and

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- (c) in subsection (8)(b), in sub-paragraph (ii), for “the trustee (if any)” substitute “if the Accountant in Bankruptcy is not the trustee in the sequestration, the trustee in the sequestration”.
- 15 In section 20(1) (trustee’s duties on receipt of list of assets and liabilities)—
- (a) for the words from “shall”, where it second occurs, to “whether” substitute “if”, and
- (b) at the end add “the trustee is so to indicate in the statement of the debtor’s affairs”.
- 16 In section 23(3) (proceedings at statutory meeting before trustee vote), for paragraph (c) substitute—
- “(c) after considering any such representations as are mentioned in paragraph (b), shall, if in the interim trustee’s opinion the debtor’s assets are unlikely to be sufficient to pay any dividend whatsoever in respect of the debts mentioned in paragraphs (e) to (h) of section 51(1), so indicate.”.
- 17 In section 26(1) (provisions relating to termination of original trustee’s functions), for the words “prepared under section 23(3)(d)” substitute “of the debtor’s affairs prepared under section 20(1) (as revised under section 23(3)(d) if so revised)”.
- 18 In section 27(4) (discharge of original trustee: appeal etc.) for “under”, where it first occurs, substitute “by virtue of”.
- 19 In section 29(8) (removal of trustee and trustee not acting: application of certain provisions of section 28), for “(7)” substitute “(8)”.
- 20 In section 32 (vesting of estate of debtor after sequestration)—
- (a) in subsection (1), for “subsections (2) and (4B)” substitute “sections 32A to 32H”, and
- (b) in subsection (5), after “54” insert “, 54A or 54C”.
- 21 In section 39A(3) (debtor’s home ceasing to form part of sequestrated estate: exceptions), in paragraph (d), for the words from “registers” to “title” substitute “completes title in the Land Register of Scotland or, as the case may be, the Register of Sasines”.
- 22 In section 43A(1) (debtor’s requirement to give account of affairs), for paragraph (b) substitute—
- “(b) is subject to a debtor contribution order.”.
- 23 In section 47 of the 1985 Act (conduct of examination), for subsection (6) substitute—
- “(6) The trustee must send a copy of the record of the examination to the Accountant in Bankruptcy.”.
- 24 In section 48 of the 1985 Act (submission of claims to trustee), for subsection (7) (b) substitute—
- “(b) in subsection (7) the words “and keep a record of it stating the date when it was produced to him” were repealed.”.
- 25 In section 50(1) (entitlement to vote and draw a dividend), for the words “on appeal under subsection (6) of” substitute “on review or appeal under”.
- 26 In section 52(7) (set aside of certain estate where appeal)—

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- (a) for the words “an appeal is taken under section 49(6)(b)” substitute “a review or appeal is made under section 49”, and
 - (b) for “appeal”, where it appears in both subsequent places, substitute “review or appeal”.
- 27 In section 53 (procedure after end of accounting period)—
- (a) in subsection (6), for “such an appeal” substitute “an appeal against a determination under paragraph (a) or, as the case may be, an appeal under paragraph (b)”, and
 - (b) in subsection (6A), for “(6)” substitute “(6)(a) or (b)”.
- 28 The title of section 55 becomes “Effect of discharge under section 54, 54A or 54C”.
- 29 In section 55—
- (a) in subsection (1), after “54” insert “, 54A or 54C”,
 - (b) in subsection (2)—
 - (i) in paragraph (aa), for “district court” substitute “justice of the peace court (or a district court)”, and
 - (ii) in paragraph (b), for “section 1(3) of the Bail etc. (Scotland) Act 1980” substitute “section 24(6) of the [Criminal Procedure \(Scotland\) Act 1995 \(c.46\)](#)”, and
 - (c) in subsection (3), after “54” insert “, 54A or 54C”.
- 30 In section 56J (effect of recall of sequestration)—
- (a) in subsection (1)—
 - (i) in paragraph (a), for the words from “interim” to “undertaking” substitute “or interim bankruptcy restrictions order”, and
 - (ii) after paragraph (a), insert “and”, and
 - (b) in subsection (2), for the words from “interim” to “undertaking” substitute “or interim bankruptcy restrictions order”.
- 31 In section 58 (unclaimed dividends), for “57(1)(a)”, in both places where it occurs, substitute “57(1B)”.
- 32 In section 58A(4) (documents sent on discharge of Accountant in Bankruptcy), in paragraph (a) for “the determination mentioned in subsection (2)(c) above” substitute “a determination of the Accountant in Bankruptcy’s fees and outlays calculated in accordance with regulations made under section 69A”.
- 33 In section 60B(2) (trustee’s duty to give notice etc. to member State liquidator), after “shall” insert “also”.
- 34 In section 72 (regulations)—
- (a) after subsection (1), insert—
 - “(1A) Regulations under this Act may make different provision for different cases or classes of case.”, and
 - (b) in subsection (3)(a)—
 - (i) after sub-paragraph (i) insert—
 - “(ia) section 5(2ZC),
 - (ib) section 5(2ZD),”
 - (ii) after sub-paragraph (iia) insert—
 - “(iib) section 5C(2)(b),
 - (iic) section 5D(1),

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- (iid) section 32E(7),” and
- (iii) after sub-paragraph (iii), insert—
 - “(iv) section 71C(1) which contain provisions which add to, replace or omit any part of the text of an Act or an Act of the Scottish Parliament,
 - (v) paragraph 2(7) of Schedule A1,”.
- 35 In section 73(1) (interpretation)—
 - (a) in the definition of “commissioner”, for “30(1)” substitute “4”,
 - (b) after the definition of “commissioner”, insert—
 - ““common financial tool” has the meaning given by section 5D(1),”
 - (c) after the definition of “creditor” insert—
 - ““DAS register” has the meaning given by section 4A(4)(b),”
 - (d) in the definition of “debtor application”, after “5(2)(a)” insert “or (3)(a)”,
 - (e) after the definition of “debtor application” insert—
 - ““debtor contribution order” has the meaning given by section 32A(1),”
 - ““debtor’s contribution” has the meaning given by section 5D(1),”
 - (f) after the definition of “member State liquidator” insert—
 - ““money adviser” has the meaning given by section 5C(2),”
 - (g) for the definition of “qualified to act as an insolvency practitioner” (and the proviso to that definition) substitute—
 - ““qualified to act as an insolvency practitioner” is to be construed in accordance with section 390 of the Insolvency Act 1986,” and
 - (h) after the definition of “statement of assets and liabilities” insert—
 - ““statement of undertakings” means the statement of debtor undertakings sent to the debtor under section 2(8) or, in the case of a debtor application, given by the debtor when making the application,”.
- 36 In Schedule 1 (determination of amount of creditor’s claim), in paragraph 2(2), after “case” insert “, where they first occur”.
- 37 In Part 2 of Schedule 7 (re-enactment of certain provisions of Bankruptcy (Scotland) Act 1913), in paragraph 24(3), for the words from “the”, where it third occurs, to “meantime” substitute “in the meantime the first or any subsequent arrester obtains”.

Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)

- 38 In section 62 of the Debt Arrangement and Attachment (Scotland) Act 2002 (regulations and orders)—
 - (a) in subsection (3), for “the first regulations made under section 7 above” substitute “any regulations containing provision of the kind mentioned in section 7(2)(bd), any regulations containing provision of the kind mentioned in section 7(2)(ub)”, and
 - (b) in subsection (4), for “the first regulations made under section 7 above” substitute “any regulations containing provision of the kind mentioned in section 7(2)(bd), any regulations containing provision of the kind mentioned in section 7(2)(ub)”.

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Fire (Scotland) Act 2005 (asp 5)

- 39 In paragraph 5(2)(d) of schedule 1A to the Fire (Scotland) Act 2005, for “either of those Acts” substitute “paragraph 7 of Schedule 4A to the Insolvency Act 1986”.

Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)

- 40 In schedule 6 (repeals), in the entry relating to section 37(8) of the 1985 Act, for “second” substitute “third”.

Housing (Scotland) Act 2010 (asp 17)

- 41 In section 165 (interpretation), in the definition of “undischarged bankrupt”, in paragraph (c)(ii), for “either of those Acts” substitute “paragraph 7 of Schedule 4A to the Insolvency Act 1986”.

SCHEDULE 4

(introduced by section 56(2))

REPEALS

<i>Enactment</i>	<i>Extent of repeal</i>
Local Government (Scotland) Act 1973 (c.65)	In section 31(3B), paragraph (b).
Bankruptcy (Scotland) Act 1985 (c. 66)	Section 2(1C). In section 5, in subsection (2B)(c), the word “or” immediately after sub-paragraph (i) and sub-paragraph (ia); in subsection (4B), paragraph (b) and the word “and” immediately preceding it; and subsection (4C). Section 5A. In section 5B, subsection (4); and, in subsection (5), paragraph (a). In section 5B(5), paragraph (d) In section 8, in subsection (3)(a), sub-paragraph (i); and subsection (4). In section 10(7), the words “a bankruptcy order under the Bankruptcy Act 1914 (c.59) or”. In section 12(3A)(b), the words “, or gives or shows that there is sufficient security for the payment of”. In section 13A, in subsection (5)(d), the words “, who shall insert them in the sederunt book”; and subsection (6). Section 13B(6).

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<i>Enactment</i>	<i>Extent of repeal</i>
	In section 14(3), in paragraph (a) the words “, or by virtue of paragraph 11 of Schedule 4 to,”; and paragraph (aa).
	In section 17(8)(b)(ii), the words “who shall insert it in the sederunt book”.
	In section 26, in subsection (3)(b)(ii), the words “, who shall insert the copies in the sederunt book”; and subsection (5).
	Section 26A(8).
	In section 27, in subsection (2)(b), the words “for insertion in the sederunt book”; and subsection (6).
	Section 32(2) to (4L).
	In section 32(6), the words “or interest”.
	Section 32(9)(b)(iii).
	In section 34(4), the words “or interest”.
	Section 34(9).
	Section 35(3).
	In section 36(5), the words “or interest”.
	Section 36(7).
	In section 38(1)(b), the words “which he shall record in the sederunt book”.
	In section 39A(6), in paragraph (b), the words “or the Accountant in Bankruptcy”.
	In section 47(5), the words “and shall be inserted in the sederunt book”.
	In section 49(5), the words “in the sederunt book”.
	In section 52(2A), the words “and shall be recorded in the sederunt book by the trustee”.
	Section 53(10).
	In section 55(3), paragraph (a) and the word “or” immediately following it.
	Section 56H.
	In section 56J(1), paragraph (c) and the word “and” immediately preceding it.
	Section 58A(2) and (8).
	In section 60, in subsection (1), paragraph (b) and the word “or” immediately preceding it.
	Section 63(4).

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

<i>Enactment</i>	<i>Extent of repeal</i>
	<p>Section 65(3).</p> <p>In section 71B(8), in the definition of “bankruptcy restrictions order”, paragraph (a).</p> <p>In section 72, in subsection (1), the words from “and” to the end; and, in subsection (3)(a), sub-paragraph (ii).</p> <p>In section 73(1), the definition of “bankruptcy restrictions undertaking”.</p> <p>In section 74(4), paragraph (b) and the word “and” immediately preceding it.</p> <p>In Schedule 1, paragraph 4 and the italic cross-heading immediately preceding it.</p> <p>In Schedule 5, in paragraph 4, sub-paragraph (c); and, in paragraph 5(2), paragraph (aa).</p> <p>In Schedule 6, in paragraph 7(3), the words “and he shall insert the minutes of the meeting in the sederunt book”; in paragraph 20, the words “and shall insert a record of the deliberations of the commissioners in the sederunt book”; in paragraph 21, the words “for insertion in the sederunt book and shall authenticate the insertion when made”; and in paragraph 23, the words “; and that minute shall be inserted by the permanent trustee in the sederunt book”.</p>
Insolvency Act 1986 (c.45)	In section 51(6), in the definition of “bankruptcy restrictions order”, paragraph (b).
Bankruptcy (Scotland) Act 1993 (c.6)	In Schedule 1, paragraph 31 and the italic cross-heading immediately preceding it.
Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)	<p>In section 15, in subsection (1), paragraph (b); and subsection (2).</p> <p>Section 21 and the italic cross-heading immediately preceding it.</p> <p>In section 62(2), paragraph (d).</p>
Home Owner and Debtor Protection (Scotland) Act 2010 (asp 6)	Section 13(2).
