



Bankruptcy (Scotland) Act 2016

2016 asp 21

BANKRUPTCY (SCOTLAND) ACT 2016

PART 1

APPLICATION OR PETITION FOR SEQUESTRATION

Applications and petitions

- 1 Sequestration
- 2 Sequestration of estate of living debtor
- 3 Debt advice and information package
- 4 Money advice
- 5 Sequestration of estate of deceased debtor
- 6 Sequestration of other estates
- 7 Qualified creditor and qualified creditors
- 8 Debtor applications: general
- 9 Certificate for sequestration
- 10 Death or withdrawal
- 11 Debtor application: provision of information
- 12 Petition for sequestration of estate: provision of information
- 13 Further provisions relating to presentation of petitions
- 14 Further provisions relating to debtor applications
- 14A Main proceedings in Scotland: undertaking by trustee in respect of assets in another EU member State
- 14B Main proceedings in another member State: approval of undertaking offered by member State insolvency practitioner to local creditors in the UK

Jurisdiction

- 15 Jurisdiction

Meaning of “apparent insolvency”

- 16 Meaning of “apparent insolvency”

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Concurrent proceedings

- 17 Concurrent proceedings for sequestration or analogous remedy
- 18 Powers in relation to concurrent proceedings

Creditor's oath

- 19 Creditor's oath

PART 2

SEQUESTRATION: AWARD AND RECALL

Incomplete or inappropriate debtor applications

- 20 Debtor application: incomplete application
- 21 Refusal of debtor application: inappropriate application

Award of sequestration

- 22 When sequestration is awarded
- 23 Circumstances in which sequestration is not to be awarded in pursuance of section 22(5)
- 23A Effect of sequestration on land attachment
- 24 Effect of sequestration on diligence generally
- 25 Effect of sequestration on diligence: estate of deceased debtor
- 26 Registration of warrant or determination of debtor application
- 27 Further matters in relation to award of sequestration
- 28 Benefit from another estate

Recall of sequestration

- 29 Petitions for recall of sequestration
- 30 Recall of sequestration by sheriff
- 31 Application to Accountant in Bankruptcy for recall of sequestration
- 32 Application under section 31: further procedure
- 33 Determination where amount of outlays and remuneration not agreed
- 34 Recall of sequestration by Accountant in Bankruptcy
- 35 Recall where Accountant in Bankruptcy trustee
- 36 Application for recall: remit to sheriff
- 37 Recall of sequestration by Accountant in Bankruptcy: review and appeal
- 38 Effect of recall of sequestration

PART 3

INITIAL STAGES OF SEQUESTRATION, STATUTORY MEETING AND TRUSTEE VOTE

Initial stages

- 39 Interim preservation of estate
- 40 Offences in relation to interim preservation of estate
- 41 Statement of assets and liabilities etc.
- 42 Duties on receipt of list of assets and liabilities

Statutory meeting

- 43 Statutory meeting
- 44 Calling of statutory meeting

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- 45 Procedure where no statutory meeting called
- 46 Submission of claims for voting purposes
- 47 Offences in relation to submission of claims for voting purposes
- 48 Proceedings before trustee vote

Trustee vote

- 49 Trustee vote

PART 4

TRUSTEES AND COMMISSIONERS

Trustees

- 50 Functions of trustee
- 51 Appointment of trustee
- 52 Application to Accountant in Bankruptcy by trustee for a direction

Interim trustees

- 53 Functions of interim trustee
- 54 Appointment of interim trustee
- 55 Removal, resignation etc. of interim trustee
- 56 Termination of interim trustee's functions where not appointed trustee
- 57 Appeal or review by virtue of section 56
- 58 Termination of Accountant in Bankruptcy's functions as interim trustee where not appointed trustee
- 59 Review or appeal by virtue of section 58

Replacement trustees

- 60 Appointment of replacement trustee
- 61 Procedure in application to Accountant in Bankruptcy under section 60
- 62 Procedure in application under section 60, or appeal under section 61, to sheriff
- 63 Termination of original trustee's functions
- 64 Accountant in Bankruptcy's intromissions in capacity of original trustee
- 65 Discharge of original trustee
- 66 Replacement of trustee acting in more than one sequestration
- 67 Further provision as regards replacement under section 66
- 68 Review of determination or appointment under section 66

Resignation or death of trustee

- 69 Resignation or death of trustee

Removal of trustee and appointment of new trustee

- 70 Removal of trustee other than where trustee is unable to act or should no longer continue to act: general
- 71 Removal of trustee other than where trustee is unable to act or should no longer continue to act: review, appeal and election of new trustee
- 72 Removal of trustee where trustee is unable to act or should no longer continue to act: general
- 73 Removal of trustee where trustee is unable to act or should no longer continue to act: review, appeal and election of new trustee

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- 74 Election or appointment of new trustee by virtue of section 71(6) or 73(1)
- 75 Further provision as regards election or appointment of new trustee

Commissioners

- 76 Commissioners
- 77 Election, resignation and removal of commissioners

PART 5

VESTING ETC.

Vesting

- 78 Vesting of estate at date of sequestration
- 79 Provision supplementary to section 78 and interpretation of Part 5
- 80 Property subject to restraint order
- 81 Property released from detention
- 82 Property in respect of which receivership or administration order is made
- 83 Property in respect of which realisation order is made
- 84 Property subject to certain orders where confiscation order discharged or quashed
- 85 Vesting of income received by debtor after sequestration
- 86 Further provision as regards vesting of estate
- 87 Dealings and circumstances of debtor after sequestration

Limitation on vesting

- 88 Limitation on vesting

PART 6

DEBTOR'S CONTRIBUTION

Common financial tool

- 89 Assessment of debtor's contribution

Payments by debtor following sequestration

- 90 Debtor contribution order: general
- 91 Debtor contribution order: payment period and intervals
- 92 Debtor contribution order: review and appeal
- 93 Effect of debtor contribution order
- 94 Deductions from debtor's earnings and other income
- 95 Variation and removal of debtor contribution order by trustee
- 96 Payment break
- 97 Sections 95 and 96: review and appeal

PART 7

SAFEGUARDING INTERESTS OF CREDITORS

Gratuitous alienations and unfair preferences

- 98 Gratuitous alienations
- 99 Unfair preferences

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Recall of certain orders

- 100 Recall of order for payment of capital sum on divorce or on dissolution of civil partnership

Excessive contributions

- 101 Recovery of excessive pension contributions
- 102 Orders under section 101
- 103 Orders under section 101: supplementary
- 104 Excessive contributions in pension-sharing cases: general
- 105 Excessive contributions in pension-sharing cases: recovery orders
- 106 Recovery orders: supplementary
- 107 References in Part 7 to “the 1889 Act” and to “the 1999 Act”

PART 8

ADMINISTRATION OF ESTATE BY TRUSTEE

General

- 108 Taking possession of estate by trustee
- 109 Management and realisation of estate

Contractual powers and money received

- 110 Contractual powers of trustee
- 111 Money received by trustee

Debtor's home

- 112 Debtor's family home
- 113 Power of trustee in relation to debtor's family home

Rights of spouse or civil partner

- 114 Protection of rights of spouse against arrangements intended to defeat them
- 115 Protection of rights of civil partner against arrangements intended to defeat them

Account of state of affairs

- 116 Debtor's account of state of affairs

Financial education for debtor

- 117 Financial education for debtor

PART 9

EXAMINATION OF DEBTOR

Private and public examination

- 118 Private examination
- 119 Public examination
- 120 Provisions ancillary to sections 118 and 119

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Conduct of examination

- 121 Conduct of examination

PART 10

CLAIMS, DIVIDENDS AND DISTRIBUTION ETC.

Submission and adjudication of claims

- 122 Submission of claims to trustee
123 Evidence as to validity or amount of claim
124 False claims etc.
125 Further provision as to claims
126 Adjudication of claims: general
127 Adjudication of claims: review and appeal

Entitlement to vote and draw a dividend

- 128 Voting and drawing a dividend

Distribution

- 129 Priority in distribution
129A Section 129: interpretation
130 Accounting periods
131 Distribution in accordance with accounting periods

Procedure after end of accounting period

- 132 Submission of accounts and scheme of division
133 Audit of accounts and determination as to outlays and remuneration payable to trustee
134 Appeal against determination as to outlays and remuneration payable to trustee
135 Further provision as to procedure after end of accounting period
136 Procedure after end of accounting period where Accountant in Bankruptcy is trustee

PART 11

DISCHARGE

Discharge of debtor

- 137 Discharge of debtor where Accountant in Bankruptcy not trustee
138 Discharge of debtor where Accountant in Bankruptcy trustee
139 Discharge of debtor: review and appeal
140 Discharge of debtor to whom section 2(2) applies
141 Deferral of discharge where debtor cannot be traced
142 Debtor not traced: new trustee
143 Debtor not traced: subsequent debtor contact
144 Subsequent debtor contact: review and appeal
145 Effect of discharge under section 137, 138 or 140
146 Discharge under section 140: conditions
147 Section 146: sanctions

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Discharge of trustee

- 148 Discharge of trustee
- 149 Further provision as regards discharge of trustee
- 150 Unclaimed dividends
- 151 Discharge of Accountant in Bankruptcy

PART 12

ASSETS DISCOVERED AFTER DISCHARGE OF TRUSTEE

- 152 Assets discovered after discharge of trustee: appointment of trustee
- 153 Assets discovered after discharge of trustee: notice
- 154 Assets discovered after discharge of trustee: appeal

PART 13

BANKRUPTCY RESTRICTIONS ORDERS AND INTERIM BANKRUPTCY RESTRICTIONS ORDERS

Bankruptcy restrictions orders

- 155 Bankruptcy restrictions order
- 156 Grounds for making bankruptcy restrictions order
- 157 Bankruptcy restrictions order: application of section 218(13)
- 158 Timing for making a bankruptcy restrictions order
- 159 Duration of bankruptcy restrictions order and application for revocation or variation

Interim bankruptcy restrictions orders

- 160 Interim bankruptcy restrictions orders

Effect of recall of sequestration

- 161 Bankruptcy restrictions orders and interim bankruptcy restrictions orders: effect of recall of sequestration

PART 14

VOLUNTARY TRUST DEEDS FOR CREDITORS

General

- 162 Voluntary trust deeds for creditors

Protected trust deeds: protected status

- 163 Protected status: general

Conditions for protected status

- 164 Protected status: the debtor
- 165 Protected status: the trustee
- 166 Exclusion of a secured creditor from trust deed
- 167 Statements in and advice regarding trust deed
- 168 Payment of debtor's contribution
- 169 Notice in register of insolvencies
- 170 Documents to be sent to creditors

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Registration for protected status

171 Registration for protected status

Effect of protected status etc.

- 172 Effect of protected status: general
- 173 Effect of protected status on diligence against earnings
- 173A Effect of protected status on essential supplies
- 174 Deductions by virtue of protected trust deed from debtor's earnings
- 175 Agreement in respect of debtor's heritable property
- 176 Dividend payments
- 177 Sequestration petition by qualified creditor
- 178 Creditor's application as respects intromissions of trustee

Administration, accounting and discharge

- 179 Directions to trustee under protected trust deed
- 180 Information and notification obligations of trustee under protected trust deed
- 181 Administration of trust under protected trust deed
- 182 Retention of documents by trustee under protected trust deed
- 183 Remuneration payable to trustee under protected trust deed
- 184 Protected trust deed: discharge of debtor
- 185 Student loans
- 186 Protected trust deed: discharge of trustee
- 187 Electronic delivery of notices etc. under this Part

Appeals and directions

- 188 Protected trust deed: appeal
- 189 Protected trust deed: sheriff's direction

Application for conversion to sequestration

- 190 Application for conversion to sequestration
- 191 Contents of affidavit required under section 190(2)
- 192 Powers of Accountant in Bankruptcy on application for conversion to sequestration

Part 14: general

- 193 Interpretation of Part 14
- 194 Regulations modifying Part 14

PART 15

MORATORIUM ON DILIGENCE

- 195 Moratorium on diligence: notice of intention to make debtor application under section 2(1)(a)
- 196 Moratorium on diligence: notice of intention to make debtor application under section 6
- 197 Moratorium on diligence following notice under section 195(1) or 196(1)
- 198 Period of moratorium

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

PART 16

ACCOUNTANT IN BANKRUPTCY

Appointment

199 Accountant in Bankruptcy

Functions

200 Supervisory functions of Accountant in Bankruptcy
201 Performance of certain functions of Accountant in Bankruptcy
202 Further duty of Accountant in Bankruptcy

Directions to Accountant in Bankruptcy

203 Directions to Accountant in Bankruptcy

Conduct of proceedings in the sheriff court

204 Conduct of proceedings in the sheriff court

Fees for Accountant in Bankruptcy

205 Fees for Accountant in Bankruptcy

PART 17

MISCELLANEOUS

206 Liabilities and rights of co-obligants
207 Member State insolvency practitioner deemed creditor
208 Trustee's duty to provide certain notices and copies of documents to member State insolvency practitioner
209 Extortionate credit transactions
210 Sederunt book and other documents
211 Power of court to cure defects in procedure
212 Power of Accountant in Bankruptcy to cure defects in procedure
213 Decision under section 212(1): review
214 Review of decision by Accountant in Bankruptcy: grounds of appeal
215 Debtor to co-operate with trustee
216 Arbitration and compromise
217 Meetings of creditors and commissioners
218 General offences by debtor etc.
219 General offences: supplementary and penalties
220 Summary proceedings
221 Outlays of insolvency practitioner in acting as interim trustee or trustee
222 Supplies by utilities
223 Disqualification provisions: power to make regulations
224 Regulations: applications to Accountant in Bankruptcy etc.

PART 18

GENERAL

225 Regulations: general
226 Modification of regulation making powers
227 Variation of references to time, money etc.

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

228	Interpretation
229	Meaning of “associate”
230	“Associates”: regulations for the purposes of section 229
231	Proceedings under EU insolvency proceedings regulation: modified definition of “estate”
232	Crown application
233	Re-enactment
234	Modifications, repeals, savings, revocations and transitional provisions
235	Continuity of the law
236	Sequestrations to which this Act applies
237	Commencement
238	Short title

SCHEDULE 1 — DEBTOR TO WHOM SECTION 2(2) APPLIES: APPLICATION OF ACT

Modification of certain provisions of Act

- 1 (1) Where section 2(2) applies in relation to a debtor,...

Accountant in Bankruptcy's duty to consider whether paragraph 1 should cease to have effect

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

Procedure where Accountant in Bankruptcy considers paragraph 1 should cease to have effect

- 3 (1) If AiB considers under paragraph 2(2) that paragraph 1...

Debtor's right of appeal against decision under paragraph 3

- 4 (1) This paragraph applies where AiB gives notice to a...

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...

SCHEDULE 2 — DETERMINATION OF AMOUNT OF CREDITOR'S CLAIM

Amount which may be claimed generally

- 1 (1) Subject to the provisions of this schedule, the amount...

Claims for aliment and for periodical allowance on divorce or on dissolution of civil partnership

- 2 (1) A person entitled to aliment, however arising, from a...

Debts depending on contingency

- 3 (1) The amount which a creditor is entitled to claim...

Secured debts

- 4 (1) A secured creditor, in calculating the amount of the...

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Valuation of claims against partners for debts of the partnership

- 5 (1) Where a creditor claims, in respect of a debt...

SCHEDULE 3 — PREFERRED DEBTS

PART 1 — LIST OF PREFERRED DEBTS

Contributions to occupational pension schemes etc.

- 1 Any sum which is owed by the debtor and is...

Remuneration of employees etc.

- 2 (1) So much of any amount which—
3 So much of any amount which— (a) is ordered, whether...

Levies on coal and steel production

- 4 Any sums due at the relevant date from the debtor...

Debts owed to the Financial Services Compensation Scheme

- 5 Any debt owed by the debtor to the scheme manager...

Deposits covered by Financial Services Compensation Scheme

- 6 So much of any amount owed at the relevant date...

Other deposits

- 7 So much of any amount owed at the relevant date...
8 An amount owed at the relevant date by the debtor...

PART 2 — INTERPRETATION OF PART 1

Meaning of “the relevant date”

- 9 In Part 1, “the relevant date” means—

Amounts payable by way of remuneration

- 10 (1) For the purposes of paragraph 2, a sum is...

Meaning of “prescribed”

- 11 In paragraphs 2 and 3, “prescribed” means prescribed by regulations...

Meaning of “scheme manager”

- 12 In paragraph 5, “the scheme manager” has the meaning given...

Meaning of “eligible deposit”

- 13 (1) In paragraphs 6 to 8, “eligible deposit” means a...

Transitional provisions

- 14 Regulations under paragraph 2 or 3 may contain such transitional...

SCHEDULE 4 — VOLUNTARY TRUST DEEDS FOR CREDITORS

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Remuneration of trustee

- 1 Whether or not— (a) provision is made in the trust...

Accountant in Bankruptcy's power to carry out audit

- 2 AiB may, at any time, audit the trustee's accounts and...

Registration of notice of inhibition

- 3 (1) The trustee, from time to time after the trust...

Lodging of claim to bar effect of limitation of actions

- 4 The submission to the trustee, acting under a trust deed,...

Valuation of claims

- 5 (1) Unless the trust deed otherwise provides, schedule 2 applies...

SCHEDULE 5 — INFORMATION TO BE INCLUDED IN THE SEDERUNT BOOK

- 1 A copy of the debtor application made under section 2(1)(a)....
 2 A copy of the petition presented under section 2(1)(b).
 3 Where the trustee is AiB, a copy of the statement...
 3A Any undertaking given by the trustee approved under Article 36...
 4 A copy of the award of sequestration under section 22(1)...
 5 A copy of the warrant to cite the debtor granted...
 6 Where the trustee is not AiB— (a) the audited accounts...
 7 Where the trustee is AiB— (a) the accounts audited by...
 8 Where AiB is appointed interim trustee and the sheriff awards...
 9 A copy of— (a) an order— (i) recalling or refusing...
 10 A copy of an order under section 114(3)(b) or 115(3)(b)...
 11 Where the trustee is a replacement trustee appointed under section...
 12 Where the trustee is not AiB, a copy of a...
 13 A copy of a notice given under section 44(3).
 14 Where the trustee is not AiB, a copy of a...
 15 Where the trustee is a replacement trustee appointed under section...
 16 A copy of an initial proposal for the debtor's contribution...
 17 A copy of a debtor contribution order applying to the...
 18 A copy of a decree issued under section 98 affecting...
 19 A copy of a decree of recall issued following an...
 20 A copy of a decree under section 99 affecting the...
 21 The inventory and valuation of the estate, made up and...
 22 A copy of an account given by the debtor under...
 23 The debtor's deposition at an examination subscribed under section 121(6)....
 24 A copy of the record of an examination sent to...
 25 An appropriate entry in relation to the production of any...
 26 Where the trustee accepts or rejects a claim under section...
 27 A copy of a decision of AiB under subsection (4)(b)...
 28 An agreement or determination in respect of the accounting period...
 29 Where the trustee is not AiB, the audited accounts, the...
 30 A copy of the certificate of discharge given to the...
 31 A copy of the certificate deferring discharge where the debtor...

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- 32 Where AiB has acted as trustee, after making the final...
- 33 Where AiB has acted as trustee and is discharged from...
- 34 A decision of the court under section 211 and of...
- 35 A copy of a decree arbitral or, as the case...
- 36 The minutes of the meeting referred to in paragraphs 8...
- 37 A copy of the minutes of a meeting sent to...
- 38 Where a meeting of commissioners is called in accordance with...
- 39 A copy of any decision (including any determination, direction, award,...
- 40 A copy of any decree, interlocutory decree, direction or order...

SCHEDULE 6 — MEETINGS OF CREDITORS AND COMMISSIONERS

PART 1 — MEETINGS OF CREDITORS OTHER THAN THE STATUTORY MEETING

Calling of meeting

- 1 The trustee in the sequestration must call a meeting of...
- 2 Any such meeting must be held not later than 28...
- 3 The trustee, or a commissioner who has given notice to...
- 4 The trustee, calling a meeting under paragraph 1 or 3,...
- 5 Where— (a) a requirement has been made under paragraph 1,...
- 6 AiB, calling a meeting under paragraph 5, is no fewer...
- 7 It is not necessary to notify under paragraph 4 or...

Role of trustee at meeting

- 8 At the commencement of a meeting the trustee is to...
- 9 If no person is elected in pursuance of paragraph 8,...
- 10 The trustee is to arrange for a record to be...

Appeals

- 11 The trustee, a creditor or any other person having an...

PART 2 — ALL MEETINGS OF CREDITORS

Validity of proceedings

- 12 No proceedings at a meeting are invalidated by reason only...

Locus of meeting

- 13 Every meeting must be held in such place (whether or...
- 13A Where a meeting is to be held in pursuance of...

Mandatories

- 14 A creditor may authorise in writing a person to represent...
- 15 A creditor must lodge with the trustee, before the commencement...
- 16 Any reference in paragraph 8, or in the following provisions...

Quorum

- 17 The quorum at any meeting is one creditor.

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Voting at meeting

- 18 Any question at a meeting is to be determined by...

Objections by creditors

- 19 At any meeting the person chairing it may allow or...
20 A person aggrieved by the determination of the person chairing...
21 If the person chairing the meeting is in doubt as...

Adjournment of meeting

- 22 If no creditor has appeared at a meeting by half...
23 The person chairing the meeting may, with the consent of...
24 Any adjourned meeting must be held at the same time...

Minutes of meeting

- 25 The minutes of every meeting must be signed by the...
PART 3 — MEETINGS OF COMMISSIONERS
26 The trustee— (a) may call a meeting of commissioners at...
27 If the trustee fails to call a meeting of commissioners...
28 The trustee must give the commissioners at least 7 days'...
29 The trustee is to act as clerk at a meeting...
30 If the commissioners are considering the performance of the functions...
31 The quorum at a meeting of commissioners is one commissioner...
32 Any matter may be agreed by the commissioners without a...

SCHEDULE 7 — RE-ENACTMENT OF SECTIONS 10 AND 189 OF THE
BANKRUPTCY (SCOTLAND) ACT 1913

Arrestments and attachments

- 1 (1) Subject to sub-paragraph (2), all arrestments and attachments
which...

*Exemptions from stamp or other duties for
conveyances, deeds etc. relating to sequestrated estates*

- 2 Any— (a) conveyance, assignation, instrument, discharge, writing or
deed relating...

SCHEDULE 8 — MODIFICATION OF ENACTMENTS

Judicial Factors (Scotland) Act 1889

- 1 In section 11A(2) of the Judicial Factors (Scotland) Act 1889...

Sheriff Courts (Scotland) Act 1907

- 2 In section 34 of the Sheriff Courts (Scotland) Act 1907...

Conveyancing (Scotland) Act 1924

- 3 In section 44(4)(c) (limitation of effect of entries in the...

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Administration of Justice Act 1956

4 In section 47G of the Administration of Justice Act 1956...

Conveyancing and Feudal Reform (Scotland) Act 1970

5 In section 19(3) of the Conveyancing and Feudal Reform (Scotland)...

Prescription and Limitation (Scotland) Act 1973

6 (1) The Prescription and Limitation (Scotland) Act 1973 is amended...

Local Government (Scotland) Act 1973

7 In section 31 of the Local Government (Scotland) Act 1973...

Education (Scotland) Act 1980

8 In section 73B(12) of the Education (Scotland) Act 1980 (regulations...

Family Law (Scotland) Act 1985

9 (1) The Family Law (Scotland) Act 1985 is amended as...

Legal Aid (Scotland) Act 1986

10 In Part 2 of schedule 2 of the Legal Aid...

Debtors (Scotland) Act 1987

11 (1) The Debtors (Scotland) Act 1987 is amended as follows....

Agricultural Holdings (Scotland) Act 1991

12 (1) The Agricultural Holdings (Scotland) Act 1991 is amended as...

Crofters (Scotland) Act 1993

13 In paragraph 10 of schedule 2 of the Crofters (Scotland)...

Proceeds of Crime (Scotland) Act 1995

14 In paragraph 2(1)(j) of schedule 1 of the Proceeds of...

Education (Scotland) Act 1996

15 In paragraph 4 of schedule 1 of the Education (Scotland)...

Adults with Incapacity (Scotland) Act 2000

16 In section 87(4) of the Adults with Incapacity (Scotland) Act...

International Criminal Court (Scotland) Act 2001

17 (1) Schedule 6 of the International Criminal Court (Scotland) Act...

Debt Arrangement and Attachment (Scotland) Act 2002

18 (1) The Debt Arrangement and Attachment (Scotland) Act 2002 is...

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Agricultural Holdings (Scotland) Act 2003

19 In section 93 of the Agricultural Holdings (Scotland) Act 2003...

Fire (Scotland) Act 2005

20 In schedule 1A of the Fire (Scotland) Act 2005 (the...

Further and Higher Education (Scotland) Act 2005

21 In schedule 2B of the Further and Higher Education (Scotland)...

Charities and Trustee Investment (Scotland) Act 2005

22 In section 70(3)(b) of the Charities and Trustee Investment (Scotland)...

Licensing (Scotland) Act 2005

23 In section 28(8) of the Licensing (Scotland) Act 2005 (period...

Bankruptcy and Diligence etc. (Scotland) Act 2007

24 (1) The Bankruptcy and Diligence etc. (Scotland) Act 2007 is...

Criminal Proceedings etc. (Reform) (Scotland) Act 2007

25 In section 73(2)(b) of the Criminal Proceedings etc. (Reform) (Scotland)...

Legal Services (Scotland) Act 2010

26 (1) The Legal Services (Scotland) Act 2010 is amended as...

Housing (Scotland) Act 2010

27 (1) The Housing (Scotland) Act 2010 is amended as follows....

Food (Scotland) Act 2015

28 In section 58(1) of the Food (Scotland) Act 2015 (general...

SCHEDULE 9 — REPEALS AND REVOCATIONS

PART 1 — REPEALS

PART 2 — REVOCATIONS

Status:

Point in time view as at 27/05/2020.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy (Scotland) Act 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.