



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 6

DEBTOR'S CONTRIBUTION

Payments by debtor following sequestration

90 Debtor contribution order: general

- (1) AiB must make an order fixing the debtor's contribution (a “debtor contribution order”)—
 - (a) in the case of a debtor application, at the same time as awarding sequestration of the debtor's estate,
 - (b) in the case of an award of sequestration following a petition under section 2(1)(b), after considering initial proposals for the debtor's contribution provided by the trustee.
- (2) In a case referred to in subsection (1)(b), the trustee must send initial proposals for the debtor's contribution within [F1 12] weeks beginning with the date of the award of sequestration.
- (3) In making a debtor contribution order, AiB must use the common financial tool to assess the debtor's contribution.
- (4) A debtor contribution order may fix the amount of the debtor's contribution as zero.
- (5) A debtor contribution order may be made irrespective of sections 11 and 12 of the Welfare Reform and Pensions Act 1999.
- (6) A debtor contribution order may provide that a third person must pay to the trustee a specified proportion of money due to the debtor by way of income.
- (7) Where a third person pays a sum of money to the trustee in accordance with subsection (6), the third person is discharged from any liability to the debtor to the extent of the sum so paid.
- (8) AiB must, immediately following the making of a debtor contribution order, give written notice of the order to—

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 90 is up to date with all changes known to be in force on or before 22 May 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) View outstanding changes

- (a) the debtor,
 - (b) the trustee, and
 - (c) any third person mentioned in the order.
- (9) A debtor contribution order must not take effect on a date before the expiry of 14 days beginning with the day of notification of the order.

Textual Amendments

- F1** Word in s. 90(2) substituted (29.3.2021) by [The Bankruptcy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/148\)](#), regs. 1, **5(1)** (with regs. 3(b), 5(2))
-

Commencement Information

- I1** S. 90 in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

Changes to legislation:

Bankruptcy (Scotland) Act 2016, Section 90 is up to date with all changes known to be in force on or before 22 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by [2019 asp 4 s. 7\(2\)\(a\)](#)
- s. 78(2)(b) and word inserted by [2019 asp 4 s. 7\(2\)\(b\)](#)