

Status: Point in time view as at 29/03/2021.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, PART 5. (See end of Document for details)

SCHEDULE 1 PROTECTION OF THE INDIVIDUAL

PART 5

BANKRUPTCY

Electronic service of documents

- 8 (1) The Interpretation and Legislative Reform (Scotland) Act 2010, in so far as it applies where the service of a document is authorised or required by or under the Bankruptcy (Scotland) Act 2016, applies in accordance with the modifications in this paragraph.
- (2) Section 26 (service of documents) has effect as if—
- (a) in subsection (2), for paragraph (c) there were substituted—
“*(c) by being transmitted to the person electronically.*”;
 - (b) subsection (3) were repealed,
 - (c) for subsection (6) there were substituted—
“*(6) For the purposes of subsection (2)(c)—*
 - (a) electronic transmission of a document must be effected in a way that the recipient has indicated to the sender that the recipient is willing to receive the document,
 - (b) the recipient's indication of willingness to receive a document in a particular way may be—
 - (i) specific to the document in question or generally applicable to documents of that kind,
 - (ii) expressed specifically to the sender or generally (for example on a website),
 - (iii) inferred from the recipient having previously been willing to receive documents from the sender in that way and not having indicated unwillingness to do so again,
 - (c) the sender's uploading of a document to an electronic storage system from which the recipient is able to download the document may constitute electronic transmission of the document.”.

Financial criteria for minimal asset process

F19

Textual Amendments

- F1** Sch. 1 para. 9 expires (29.3.2021) by virtue of [The Bankruptcy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/148\)](#), regs. 1, **3(a)**

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Meaning of “qualified creditor”

- 10 (1) The Bankruptcy (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.
- (2) Section 7(1) (qualified creditor and qualified creditors) has effect as if—
 - (a) in the definition of “qualified creditor”, for “£3,000” there were substituted “ £10,000 ”,
 - (b) in the definition of “qualified creditors”, for “£3,000” there were substituted “ £10,000 ”.

Deadline for sending proposals for debtor's contribution

F211

Textual Amendments

F2 Sch. 1 para. 11 expires (29.3.2021) by virtue of [The Bankruptcy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/148\)](#), regs. 1, **3(b)**

Virtual meetings of creditors

- 12 (1) The Bankruptcy (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.
- (2) Part 2 (meetings of creditors) of schedule 6 has effect as if—
 - (a) for paragraph 13 there were substituted—
 - “13 Every meeting must be held either—
 - (a) in such place (whether or not in the sheriffdom) as is, in the opinion of the person calling the meeting, the most convenient for the majority of the creditors, or
 - (b) by such electronic means as would, in the opinion of the person calling the meeting, be most convenient to allow the majority of the creditors to participate in the meeting without being together in the same place.
 - 13A Where a meeting is to be held in pursuance of paragraph 13(b), the references in paragraphs 4 and 6 to the place fixed for the holding of the meeting are to be read as references to the electronic means by which attendees are to be able to attend the meeting without being together in the same place.”
 - (b) in paragraph 24—
 - (i) for “and place” there were substituted “ , and at the same place or by the same electronic means, ”,
 - (ii) for the words from “in” to “specified” there were substituted “ the resolution otherwise specifies ”.

Electronic signature of forms

F313

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Textual Amendments

- F3** Sch. 1 para. 13 expires (29.3.2021) by virtue of [The Bankruptcy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/148\)](#), regs. 1, **3(c)**

Fees for debtor applications

F414

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Textual Amendments

- F4** Sch. 1 para. 14 expires (29.3.2021) by virtue of [The Bankruptcy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/148\)](#), regs. 1, **3(d)**

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