
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 399

**INSOLVENCY
BANKRUPTCY
DEBT**

**The Protected Trust Deeds (Scotland)
Amendment Regulations 2016**

Made - - - - - *24th November 2016*

Coming into force - - - - - *30th November 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 72(1A) and paragraph 5 of schedule 5 of the Bankruptcy (Scotland) Act 1985⁽¹⁾ and all other powers enabling them to do so.

In accordance with sections 72(2) of that Act⁽²⁾, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

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- (1) [1985 c.66](#) (“the 1985 Act”). The 1985 Act is repealed by the Bankruptcy (Scotland) Act [2016 \(asp 21\)](#); “the 2016 Act”, schedule 9, Part 1; by virtue of section 234(3)(a)(ii) and (b) of the 2016 Act the powers to make amendments under which these Regulations are made are not affected by that repeal in so far as they relate to the operation of the 1985 Act in relation to trust deeds executed before 30th November 2016. Section 72(1A) was inserted by the Bankruptcy and Debt Advice (Scotland) Act [2014 \(asp 11\)](#), schedule 3, paragraph 34(a). Section 73(1) of the 1985 Act contains a definition of “prescribed” relevant to the powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act [1998 \(c.46\)](#).
- (2) Section 72(2) has been modified by paragraph 5(2) of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act [2010 \(asp 10\)](#).