



# Bankruptcy (Scotland) Act 1985

## 1985 CHAPTER 66

### S

An Act to reform the law of Scotland relating to sequestration and personal insolvency; and for connected purposes. [30th October 1985]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

#### Modifications etc. (not altering text)

- C1 Act excluded (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), [ss. 421\(4\)](#), 458(1); S.I. 2003/333, [art. 2\(1\)](#), [Sch.](#) (subject to transitional provisions and savings in [arts. 3-14](#)) (as amended by S.I. 2003/531, [art. 2](#))
- C2 Act modified (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), [ss. 420](#), 458(1); S.I. 2003/333, [art. 2\(1\)](#), [Sch.](#) (subject to transitional provisions and savings in [arts. 3-14](#)) (as amended by S.I. 2003/531 [art. 2](#))
- C3 Act: restricted (11.12.1999) by S.I. 1999/2979, [reg. 14\(2\)](#)
- C4 Act modified by S.I. 1985/1925, [reg. 12](#) Act modified (E.W.S.) (31.3.1996) by 1995 c. 20, s. 110(1), [Sch. 4 para. 1](#); S.I. 1996/517, [art. 3\(2\)](#) (which 1995 c. 20 was repealed (S.) (1.4.1996) by 1995 c. 40, s. 6, [Sch. 5](#) (with [Sch. 3 paras. 1, 3, 16](#)))
- C5 Act excluded (E.W.S.) by [Drug Trafficking Offences Act 1986 \(c. 32, SIF 39:1\)](#), [s. 16\(1\)\(3\)](#)
- C6 Act modified (E.W.S.) by [Drug Trafficking Offences Act 1986 \(c. 32, SIF 39:1\)](#), [s. 16\(5\)](#)  
Act modified (7.2.1994) by 1993 c. 48, [ss. 144\(7\)\(b\)](#), 147(3) (with s. 6(8)); S.I. 1994/86, [art. 2](#)
- C7 Power to apply conferred by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), [ss. 441, 443](#), [Sch. 8 para. 14](#)
- C8 Act amended by [Social Security Pensions Act 1975 \(c. 60, SIF 113:1\)](#), [s. 59D\(3\)](#) (as inserted by [Social Security Act 1990 \(c.27, SIF 113:1\)](#), s. 12(1), [Sch. 3](#))
- C9 Act amended (29.6.1992) by [Social Security Pensions Act 1975 \(c.60, SIF 113:1\)](#), [s. 58B\(5\)](#) (as inserted (29.6.1992) by [Social Security Act 1990 \(c.27, SIF 113:1\)](#), s. 14, [Sch. 4 Pt. I para. 2](#)); S.I. 1992/1532, [art.2](#)
- C10 Act amended (25.4.1991) by [Companies Act 1989 \(c. 40, SIF 27\)](#), [ss. 154, 155, 158\(1\), 174\(1\), 180\(2\), 190\(6\)](#); S.I. 1991/878, [art. 2](#), [Sch.](#)
- C11 Act excluded (25.4.1991) by [Companies Act 1989 \(c. 40, SIF 27\)](#), [ss. 154, 155, 159\(2\), 180\(2\), 182\(4\)](#), [Sch. 22 para. 5\(2\)](#); S.I. 1991/878, [art. 2](#), [Sch.](#)

**Status:** Point in time view as at 25/09/1991.

**Changes to legislation:** Bankruptcy (Scotland) Act 1985 (repealed), Introductory Text is up to date with all changes known to be in force on or before 25 August 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)

- Act excluded (E.W.S.) (3.2.1995) by 1994 c. 37, **ss. 33(1)(3)(5)**, 69(2)(with s. 66(2))
- Act excluded (E.W.S.) (31.3.1996) by 1995 c. 20, s. 110(1), **Sch. 4 para. 1(3)**; S.I. 1996/517, **art. 3(2)** (which 1995 c. 20 was repealed (S.) (1.4.1996) by 1995 c. 40, s. 6, Sch. 5 (with Sch. 3 paras. 1, 3, 16))
- Act excluded (E.W.S.) (1.4.1996) by 1995 c. 43, ss. 44(1), 50(2), **Sch. 2 para. 1(3)(4)**
- C12** Act restricted (25.4.1991) by Companies Act 1989 (c. 40, SIF 27), ss. 182(4), **Sch. 22 para. 4(2)**; S.I. 1991/878, art. 2, **Sch.**
- Act restricted (E.W.S.) (31.3.1996) by 1995 c. 20, s. 110(1), **Sch. 4 para. 1(2)(a)(4)**; S.I. 1996/517, **art. 3(2)** (which 1995 c. 20 was repealed (S.) (1.4.1996) by 1995 c. 40, s. 6, Sch. 5 (with Sch. 3 paras. 1, 3, 16))
- Act restricted (E.W.S.) (6.4.1996 for specified purposes and otherwise *prosp.*) by 1995 c. 26, **ss. 91(3)**, 180(1) (with s. 121(5)); S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**
- Act restricted (E.W.S.) (1.4.1996) by 1995 c. 43, ss. 44(1), 50(2), **Sch. 2 para. 1(1)**
- Act restricted (E.W.S.) (7.10.1996) by 1992 c. 5, **s. 71(10B)** (as inserted (7.10.1996) by 1995 c. 18, **s. 32(1)**; S.I. 1996/2208, **art. 2(b)**))
- Act restricted (E.W.S.) 22(6.4.1996 for specified purposes and otherwise 6.4.1997) by 1995 c. 26, **s. 75(8)(b)** (with s. 121(5)); S.I. 1996/778, art. 2(5)(a), **Sch. Pt. V**; S.I. 1997/664, art. 2(3), **Sch. Pt. II**
- Act restricted (S.) (17.12.2001) by 2001 asp 13, s. 20, **Sch. 6 para. 8(4)** (with s. 29); S.S.I. 2001/456, **art. 2**
- Act excluded (S.) (17.12.2001) by 2001 asp 13, s. 20, **Sch. 6 para. 8(3)** (with s. 29); S.S.I. 2001/456, **art. 2**
- C13** Act excluded by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 85(1)(3), 123, **Sch. 8 para. 16**
- C14** Act excluded by Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), **ss. 30(6)**, 33(3), 47(4)(a)
- C15** Act: Definitions of "executor", "legatee", "disponee", "guardian", "curator bonis", "tutor", "permanent trustee", "interim trustee" and "assignee" applied (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), **ss. 58(1)**, 89(2) (with s. 45(3)).
- C16** Act modified (S.) (1.4.2008) by Bankruptcy (Scotland) Regulations 2008 (S.S.I. 2008/82), **reg. 9**

### Commencement Information

- II** Act partly in force at Royal Assent see **s.78(2)**; Act wholly in force at 29.12.1986.

**Status:**

Point in time view as at 25/09/1991.

**Changes to legislation:**

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