

## **POLICY NOTE**

### **THE BANKRUPTCY AND DEBT ADVICE (SCOTLAND) ACT 2014 (COMMENCEMENT No. 2 SAVINGS AND TRANSITIONALS) AMENDMENT ORDER 2015**

#### **SSI 2015/54 (C. 10)**

1. The above instrument was made in exercise of the powers conferred by sections 57(2) and (3) of the Bankruptcy and Debt Advice (Scotland) Act 2014 and all other powers enabling the Scottish Ministers to do so.

#### **Policy Objectives**

2. During Parliamentary scrutiny of the Bankruptcy and Debt Advice (Scotland) Act 2014 (Commencement No. 2, Savings and Transitionals) Order 2014<sup>1</sup> (“the principal Order”) the Delegated Powers and Law Reform Committee considered, for clarity and consistency, that a minor technical amendment should be made to that Order. This instrument makes this amendment following an undertaking given by the Scottish Government to parliament.

3. Article 2 of this Order amends the savings arrangements for bringing into force the Bankruptcy and Debt Advice (Scotland) Act 2014 in relation to sequestrations initiated before 1 April 2015, by substituting the word “was” with the word “is”. It is not considered this changes the operation of the principal Order, but it makes the provision clearer, by making the drafting of article 4(1)(b) of the principal Order on debtor applications for sequestration consistent with article 4(1)(a) on creditor petitions, to avoid any doubt that a different effect was intended.

#### **Consultation**

4. There has been no formal consultation on the minor technical amendment in this instrument. Details of the consultation on the implementation of the 2014 Act are set out in the Policy Note to the principal Order.

#### **Impact Assessment**

5. Impact assessments have not been completed in relation to this amending instrument as it merely makes a minor technical amendment identified by the Delegated Powers and Law Reform Committee.

#### **Financial Effects**

6. No additional costs on the Scottish Government, local government or on business are envisaged as a result of this amendment.

#### **The Accountant in Bankruptcy on behalf of Scottish Government**

---

<sup>1</sup> S.S.I. 2014/261

**February 2015**