



Bankruptcy (Scotland) Act 1985

CHAPTER 66

BANKRUPTCY (SCOTLAND) ACT 1985

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Status: Point in time view as at 01/02/1991.

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- 50 Entitlement to vote and draw dividend.

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- 77 Crown application.
- 78 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Determination of Amount of Creditor's Claim

Amount which may be claimed generally

- 1 (1) Subject to the provisions of this Schedule, the amount...

Claims for aliment and periodical allowance on divorce

- 2 (1) A person entitled to aliment, however arising, from a...

Debts depending on contingency

- 3 (1) Subject to sub-paragraph (2) below, the amount which a...

Debts due under composition contracts

- 4 Where in the course of a sequestration the debtor is...

Secured debts

- 5 (1) In calculating the amount of his claim, a secured...

Valuation of claims against partners for debts of the partnership

- 6 Where a creditor claims in respect of a debt of...

SCHEDULE 2 — Adaptation of Procedure etc. Under this Act where Permanent Trustee not Elected

- 1 Section 24(2) shall, in so far as it relates to...
- 2 (1) In place of sections 25 and 26, sub-paragraphs (2)...
- 3 (1) In place of subsections (1) to (5) of section...
- 4 In section 29— (a) subsection (5) shall not have effect...
- 5 Where an appointment is made under paragraph 3(3), or by...
- 6 Section 30 shall not have effect, and, in any sequestration...
- 7 In section 39— (a) in subsection (1), the reference to...
- 8 Any power under section 44 or 45 to apply to...
- 9 In subsection (1) of section 53 the reference to the...

Schedule 2A — Modification of duties of permanent trustee in summary administration

- 1 The permanent trustee shall comply with the requirements of sections...
- 2 The permanent trustee shall, until the debtor is discharged under...
- 3 (1) Where the Accountant in Bankruptcy is not the permanent...
- 4 (1) The permanent trustee shall, as soon as a certificate...
- 5 Except in the case of an application for the grant...

SCHEDULE 3 — PREFERRED DEBTS

Part I — LIST OF PREFERRED DEBTS

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Debts to Inland Revenue

- 1 (1) Sums due at the relevant date from the debtor...

Debts due to Customs and Excise

- 2 (1) Any value added tax which is referable to the...

Social Security contributions

- 3 (1) All sums which on the relevant date are due...

Contributions to occupational pension schemes, etc.

- 4 Any sum which is owed by the debtor and is...

Remuneration of employees, etc.

- 5 (1) So much of any amount which—
6 So much of any amount which— (a) is ordered, whether...

Levies on coal and steel production

- 6A Any sums due at the relevant date from the debtor...

Part II — INTERPRETATION OF PART I

Meaning of “the relevant date”

- 7 In Part I of this Schedule “the relevant date” means—...

Periods to which value added tax referable

- 8 (1) For the purpose of paragraph 2(1) of Part I...

Periods to which insurance premium tax referable

- 8A (1) For the purpose of paragraph 2(1A) of Part I...

Periods to which landfill tax referable

- 8B (1) For the purpose of paragraph 2(1B) of Part I...

Periods to which climate change levy referable

- 8C (1) For the purpose of paragraph 2(1C) of Part I...

- 8D Periods to which aggregates levy referable

Amounts payable by way of remuneration

- 9 (1) For the purposes of paragraph 5 of Part I...

Transitional Provisions

- 10 Regulations under paragraph 5 or 6 of Part I of...

SCHEDULE 4 — Discharge on Composition

- 1 (1) At any time after the sheriff clerk issues the...
2 The permanent trustee shall submit the offer of composition along...
3 The commissioners or, if there are no commissioners, the Accountant...

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- 4 Where a recommendation is made that the offer of composition...
- 5 (1) The permanent trustee shall determine from the completed prescribed...
- 6 Where the permanent trustee determines that the creditors have accepted...
- 7 (1) The sheriff shall, on the receipt by him of...
- 8 (1) At the hearing the sheriff shall examine the documents...
- 8A (1) The Scottish Ministers may by regulations amend paragraphs 4...
- 9 (1) Where the offer of composition is approved, the permanent...
- 10 As soon as the procedure under paragraph 9 of this...
- 11 Once the documents have been lodged under paragraph 10 of...
- 12 An order under paragraph 11 of this Schedule discharging the...
- 13 Notwithstanding that an offer of composition has been made, the...
- 14 A creditor who has not submitted a claim under section...
- 15 A debtor may make two, but no more than two,...
- 16 (1) On an order under paragraph 11 of this Schedule...
- 17 (1) Without prejudice to any rule of law relating to...
- 18 (1) Without prejudice to any rule of law relating to...

SCHEDULE 5 — Voluntary Trust Deeds for Creditors

Remuneration of trustee

- 1 Whether or not provision is made in the trust deed...

Accountant in Bankruptcy's power to carry out audit

- 1A The Accountant in Bankruptcy may, at any time, audit the...

Registration of notice of inhibition

- 2 (1) The trustee, from time to time after the trust...

Lodging of claim to bar effect of limitation of actions

- 3 The submission of a claim by a creditor to the...

Valuation of claims

- 4 Unless the trust deed otherwise provides, Schedule 1 to this...

Protected trust deeds

- 5 Paragraphs 6 and 7 of this Schedule shall apply in...
- 6 Where the provisions of paragraph 5 of this Schedule have...
- 7 (1) A qualified creditor who has not acceded to the...
- 8 In this Act a trust deed in respect of which...
- 9 Where the trustee under a protected trust deed has made...
- 10 Where the trustee under a protected trust deed has obtained...

Creditors not acceding to protected trust deed

- 11 A creditor who has not acceded to a protected trust...
- 12 Where, on an application by a creditor under paragraph 11...
- 13 Where the court makes an order under paragraph 12 above,...

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SCHEDULE 6 — MEETINGS OF CREDITORS AND COMMISSIONERS
Part I — MEETINGS OF CREDITORS OTHER THAN THE STATUTORY
MEETING

Calling of meeting

- 1 The permanent trustee shall call a meeting of creditors if...
- 2 A meeting called under paragraph 1 above shall be held...
- 3 The permanent trustee or a commissioner who has given written...
- 4 The permanent trustee or a commissioner calling a meeting under...
- 5 (1) Where a requirement has been made under paragraph 1...
- 6 It shall not be necessary to notify under paragraph 4...

Role of permanent trustee at meeting

- 7 (1) At the commencement of a meeting, the chairman shall...

Appeals

- 8 The permanent trustee, a creditor or any other person having...

Part II — ALL MEETINGS OF CREDITORS

Validity of proceedings

- 9 No proceedings at a meeting shall be invalidated by reason...

Locus of meeting

- 10 Every meeting shall be held in such place (whether or...

Mandatorys

- 11 (1) A creditor may authorise in writing any person to...

Quorum

- 12 The quorum at any meeting shall be one creditor.

Voting at meeting

- 13 Any question at a meeting shall be determined by a...

Objections by creditors

- 14 (1) The chairman at any meeting may allow or disallow...

Adjournment of meeting

- 15 (1) If no creditor has appeared at a meeting at...

Minutes of meeting

- 16 The minutes of every meeting shall be signed by the...
Part III — MEETINGS OF COMMISSIONERS
- 17 The permanent trustee may call a meeting of commissioners at...
- 18 If the permanent trustee fails to call a meeting of...
- 19 The permanent trustee shall give the commissioners at least 7...
- 20 The permanent trustee shall act as clerk at meetings and...

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- 21 If the commissioners are considering the performance of the functions...
- 22 The quorum at a meeting of commissioners shall be one...
- 23 Any matter may be agreed by the commissioners without a...

SCHEDULE 7 —

Part I — CONSEQUENTIAL AMENDMENTS

The Judicial Factors (Scotland) Act 1880 (c.4)

- 1 In section 3 (interpretation), for the words “section 14 or...
- 2
- 7
- 10
- 19—22

The Judicial Factors (Scotland) Act 1889 (c.39)

- 3 In section 2, at the beginning there shall be inserted...
- 4 After section 11 there shall be inserted the following sections—...

The Conveyancing (Scotland) Act 1924 (c. 27)

- 5 In section 44(4)(c) (limitation of effect of entries in the...

The Third Parties (Rights Against Insurers) Act 1930 (c.25)

- 6 (1) In section 1(2) (rights of third parties against insurers...

The Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)

- 8 In paragraph 9(2)(b) of Schedule 3 (“insolvent” for purposes of...

The Superannuation Act 1972 (c.11)

- 9 In section 5(2) (benefits under civil service superannuation schemes not...

The Prescription and Limitation (Scotland) Act 1973 (c.52)

- 11 In section 9(1), for paragraph (b) there shall be substituted...

The Local Government (Scotland) Act 1973 (c.65)

- 12 In section 31(2) (disqualifications regarding members of local authority), for...

The Social Security Pensions Act 1975 (c.60)

- 13 In section 58 of the Social Security Pensions Act 1975...

The Employment Protection (Consolidation) Act 1978 (c.44)

- 14 (1) In section 106(6) (payments out of fund to employees),...

The Land Registration (Scotland) Act 1979 (c.33)

- 15 In section 12(3)(b) (restriction as regards indemnity in respect of...

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The Banking Act 1979 (c.37)

- 16 In section 28 (payments to depositors on institution’s insolvency)—

The Estate Agents Act 1979 (c.38)

- 17 In section 23(2) (bankrupts not to engage in estate agency...

The Value Added Tax Act 1983 (c.55)

- 18 In section 22(4)(a)(ii) (“insolvency” for purposes of refund of tax...

The Family Law (Scotland) Act 1985 (c.37)

- 23 In section 14(5)(b) for the words from “sections 30” to...

Part II — RE-ENACTMENT OF CERTAIN PROVISIONS OF BANKRUPTCY
(SCOTLAND) ACT 1913 (C. 20)

Arrestments and Poidings

- 24 (1) Subject to sub-paragraph (2) below, all arrestments and poidings...

*Exemptions from stamp or other duties for
conveyances, deeds etc. relating to sequestrated estates*

- 25 Any— (a) conveyance, assignation, instrument, discharge, writing, or deed relating...

SCHEDULE 8 — Repeals

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