
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Bankruptcy (Scotland) Regulations 1985 (S.I.1985/1925), (“the principal Regulations”).

Regulation 3(1) of these Regulations provides that, subject to the provisions of regulation 3(2), the amendments to and the revocations of the principal Regulations provided for in these Regulations are not to apply to any sequestrations in respect of which the petition is presented, or to any trust deed which has been granted, before 1st April 1993, or to any sequestration in respect of which the petition is presented, on or after, that date and before 1st October 1993, by a trustee acting under a trust deed granted before 1st April 1993. The principal Regulations, as in force immediately before 1st April 1993, are to continue to apply in relation to any such sequestration or trust deed.

Regulation 3(2) of these Regulations provides that regulation 3(1) is not to apply in relation to amendments made to the principal Regulations by regulation 4 (which amends the prescribed rate of interest on debts between the date of sequestration and the date of payment of the debt) and by regulation 6(2) (which amends the notes in Form 8 in the Schedule to the principal Regulations). It also provides that the amendment made by regulation 4 shall not apply in relation to any sequestration where the date of sequestration is before 1st April 1993.

Regulation 4 of these Regulations amends regulation 8 of the principal Regulations, which prescribes the rate of interest for the purposes of section 51(7) of the Bankruptcy (Scotland) Act 1985 (c. 66), (“the Act”), (interest on preferred debts and ordinary debts between the date of sequestration and the date of payment of the debt), by prescribing a new rate of interest of 8 per centum per annum. That will be the prescribed rate of interest, for the purposes of section 51(7) of the Act, in any sequestration where the date of sequestration is on or after 1st April 1993.

Regulation 5 of these Regulations amends the principal Regulations by inserting four additional regulations.

The new regulation 15 of the principal Regulations amends section 21 of the Act by increasing the period within which the interim trustee is required to call a statutory meeting of creditors from 28 days to 60 days, after the date of the award of sequestration.

The new regulation 16 of the principal Regulations prescribes the information that an interim trustee must include in the notice of his appointment which he publishes in the Edinburgh Gazette under section 15(6) of the Act.

The new regulation 17 of the principal Regulations prescribes the information that a permanent trustee must include in the notice of the grant of a certificate for the summary administration of the sequestration of the debtor’s estate, which he publishes in the Edinburgh Gazette under paragraph 4 of Schedule 2A to the Act.

The new regulation 18 of the principal Regulations prescribes the information that the trustee acting under a trust deed must send to every creditor known to him, in the course of the procedure which may lead to the trust deed becoming a protected trust deed.

Regulation 6 of and the Schedule to these Regulations amend Forms 4, 8 and 10 in the Schedule to the principal Regulations.

Regulation 7 of these Regulations revokes part of note (d) to Form 2, and revokes Forms 3 and 6, in the Schedule to the principal Regulations.