

BANKRUPTCY AND DEBT ADVICE (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Miscellaneous amendments

95. [Sections 44 to 52](#) make miscellaneous amendments to the 1985 Act, some of which give effect to points raised by the Scottish Law Commission in their consultation on consolidation of the 1985 Act, prior to the Scottish Law Commission report.
96. The changes include confirming persons authorised by AiB may conduct civil proceedings for AiB in the Sheriff Court (section 44); removing the criminal offence for failure to return a statement of assets and liabilities (section 45(2)(a)(i)); clarifying the date of renewal of the effect of sequestration as an inhibition or freezing diligence (section 48); making clear an action for division and sale or vacant possession can provide for a decision of the sheriff on whether a trustee in sequestration is entitled to dispose of the family home (section 49); purely declaratory provision to make clear in the scheme of the 1985 Act that student loans are not written off in sequestration (section 50); increasing from £500 to £2000 the amount of credit which can be obtained by an undischarged bankrupt before they are required to disclose that status on obtaining that credit (section 51); and repealing provision for Bankruptcy Restriction Undertakings (section 52).

Debt arrangement schemes: extension to non-natural persons and fees

97. [Section 53](#) makes provision so the DAS scheme under the 2002 Act is available to a wider group, specifically legal persons (other than companies, limited liability partnerships and certain other bodies). It allows regulations to be made in respect of a Business DAS solution, and makes clearer provision to allow controls on the remuneration of money advisers and payment distributors acting in relation to DAS. Amendments have accordingly been made to the DAS scheme by Debt Arrangement Scheme (Scotland) Amendment Regulations 2014¹.

¹ S.S.I. 2014/294, amending S.S.I. 2011/141 as amended by S.S.I. 2013/225.