

These notes relate to the Bankruptcy and Debt Advice (Scotland) Act 2014 (asp 11) which received Royal Assent on 29 April 2014

BANKRUPTCY AND DEBT ADVICE (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedules

Schedule 3 (minor and consequential amendments)

104. [Schedule 3](#), introduced by section 56(1), sets out minor and consequential amendments. It includes certain provisions to implement in the 1985 Act a number of recommendations from the Scottish Law Commission report as part of its project in working towards a full consolidation of the 1985 Act¹. The amendments are technical amendments which can be reviewed and incorporated in a consolidation Bill in due course.
105. They include paragraph 34(a) and consequential repeals amending section 72(1) of the 1985 Act to clarify that the general power to make different provision for different cases or classes of case extends to all of the subordinate powers in the 1985 Act. The effect is to confirm it extends to the affirmative Parliamentary procedure regulation-making powers in the Act².
106. [Paragraph 38](#) provides for the affirmative Parliamentary procedure to apply to the use of the DAS scheme regulation-making powers added by sections 3(2) and 53 of the Act.
107. Some further consequential amendments to other legislation have been made in the Bankruptcy and Debt Advice (Scotland) Act 2014 (Consequential Provisions) Order 2014³.

¹ Link to Scottish Law Commission *Report on the Consolidation of Bankruptcy Legislation in Scotland*, http://www.scotlawcom.gov.uk/files/7113/6853/1202/Report_on_the_Consolidation_of_Bankruptcy_Legislation_in_Scotland.pdf

² The Scottish Law Commission discussed this issue in their report, *ibid*, p.12.

³ S.S.I. 2014/293.