



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 5

#### VESTING ETC.

##### *Limitation on vesting*

#### **88 Limitation on vesting**

- (1) The following property of the debtor does not vest in the trustee in the sequestration—
  - (a) any property—
    - (i) kept outside a dwellinghouse, and
    - (ii) in respect of which attachment is, by virtue of section 11(1) of the 2002 Act, incompetent,
  - (b) any property—
    - (i) kept inside a dwellinghouse, and
    - (ii) not a non-essential asset for the purposes of Part 3 of that Act, and
  - (c) property held on trust by the debtor for any other person.
- (2) The vesting of the debtor's estate in the trustee in the sequestration does not affect the right of hypothec of a landlord.
- (3) Sections 78, 85 and 86 are without prejudice to the right of any secured creditor which is preferable to the rights of the trustee.

#### **Commencement Information**

**II** S. 88 in force at 30.11.2016 by S.S.I. 2016/294, reg. 2

**Changes to legislation:**

Bankruptcy (Scotland) Act 2016, Section 88 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by [2019 asp 4 s. 7\(2\)\(a\)](#)
- s. 78(2)(b) and word inserted by [2019 asp 4 s. 7\(2\)\(b\)](#)