



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 5

VESTING ETC.

Limitation on vesting

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- (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.