



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 6

#### DEBTOR'S CONTRIBUTION

##### *Payments by debtor following sequestration*

#### **95 Variation and removal of debtor contribution order by trustee**

- (1) The trustee may vary or quash a debtor contribution order—
  - (a) on the application of the debtor, following any change in the debtor's circumstances,
  - (b) if the trustee considers it to be appropriate, following any such change, or
  - (c) if the trustee considers it to be appropriate when—
    - (i) sending a report to AiB under section 137(4), or
    - (ii) granting a discharge under section 138(2).
- (2) In deciding whether to vary or quash a debtor contribution order, the trustee must use the common financial tool to assess the debtor's contribution.
- (3) A decision by the trustee under subsection (1)(b) must not take effect before the expiry of 14 days beginning with the day on which the decision is made.
- (4) The trustee must notify in writing the persons mentioned in subsection (5) immediately following—
  - (a) any variation or quashing of a debtor contribution order, or
  - (b) any refusal of an application as respects such an order.
- (5) The persons are—
  - (a) the debtor,
  - (b) AiB (if the trustee is not AiB),
  - (c) any third person required to make a payment under the debtor contribution order or under section 94(5), and
  - (d) any other interested person.

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**Changes to legislation:** Bankruptcy (Scotland) Act 2016, Section 95 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details) [View outstanding changes](#)

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#### Commencement Information

**II** [S. 95](#) in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

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**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\(2\)\(b\)](#)