

# **BANKRUPTCY AND DEBT ADVICE (SCOTLAND) ACT 2014**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### *General*

#### *Section 55 – Ancillary provision*

98. This section has the effect of creating a power to make supplementary, incidental, consequential, transition, transitory or savings provisions by order made by the Scottish Ministers for the purposes of or in connection with provisions made in or under the Act. The order is subject to the negative resolution procedure of the Scottish Parliament, unless the instrument modifies another enactment such as an Act (including this Act) in which case it is subject to the affirmative resolution procedure.

#### *Section 57 – Commencement*

99. This section provides for certain provisions to come into force on the day after Royal Assent (30 April 2014), and for the rest of the Act to be brought into force by order.
100. Most of the Act is brought into force on 1 April 2015 by the [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(Commencement No. 2, Savings and Transitionals\) Order 2014 \(S.S.I. 2014/261](#), as amended by [S.S.I. 2015/54](#)), subject to the savings and transitional arrangements set out in the Order<sup>1</sup>.
101. Under the arrangements in that Order, many provisions of the Act will not apply to bankruptcies where the debtor application was received by AiB or the petition to court was presented before 1 April 2015. Others are subject to specific provision to take account of their application (e.g. on how the common financial tool under section 5A of the 1985 Act and section 3 of the Act apply, but are restricted in the extent to which they apply to existing bankruptcies).

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<sup>1</sup> [The Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(Commencement No. 1 and Saving\) Order 2014 \(S.S.I. 2014/172\)](#) brought into force subordinate legislation powers in the Act and section 44 on 30 June 2014.