

This draft replaces the one laid on 29th August 2013 and is being issued free of charge to all known recipients of those draft Regulations.

Draft Regulations laid before the Scottish Parliament under section 72(2) of the Bankruptcy (Scotland) Act 1985 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

BANKRUPTCY

The Protected Trust Deeds (Scotland) Regulations 2013

Made - - - - 2013
Coming into force - - 28th November 2013

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 69A and 72(1) of, and paragraph 5 of Schedule 5 to, the Bankruptcy (Scotland) Act 1985(1) and all other powers enabling them to do so.

In accordance with section 72(2) of that Act(2), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

(1) 1985 c.66 (“the 1985 Act”). Section 69A of the 1985 Act was inserted by section 8 of the Bankruptcy (Scotland) Act 1993 (c.6). Section 72(1) of the 1985 Act was amended (and renumbered) by section 35 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) (“the 2007 Act”). Paragraph 5 of Schedule 5 to the 1985 Act was amended by section 20 of the 2007 Act and by section 13(2) of the Home Owner and Debtor Protection (Scotland) Act 2010 (asp 6). Section 73(1) of the 1985 Act contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) Section 72(2) has been modified by paragraph 5(2) of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (“the 2010 Act”). The powers to make these Regulations are exercised together by virtue of section 33(2) of the 2010 Act. The Regulations are subject to the affirmative procedure by virtue of section 33(3) of the 2010 Act.