

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes minor amendments to the Bankruptcy (Scotland) Act 1985 in consequence of paragraphs 6(a) and 7 of schedule 3 to the Bankruptcy and Debt Advice (Scotland) Act 2014 (“the 2014 Act”) which made clear that limited liability partnerships cannot be sequestrated, and clarified the meaning of apparent insolvency.

The Order comes into force on 9th March 2016. It applies in respect of sequestration where the petition for sequestration was presented or the debtor application for sequestration was made before that date, but not before 1st April 2015 (the date on which the relevant provisions of the 2014 Act came into force).