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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 398**

**The Protected Trust Deeds (Scotland)  
Amendment Regulations 2010**

**Amendment of the Protected Trust Deeds (Scotland) Regulations 2008**

5. In regulation 6 (statement of trustee and debtor)—
- (a) for the heading substitute “Statements in relation to trust deed”;
  - (b) for paragraph (1), substitute—
    - “(1) The trust deed must state—
      - (a) subject to any exclusion under section 5(4A)(b) of the Act, that all the debtor’s estate (other than property listed in section 33(1) of the Act or which would be excluded from vesting in a trustee of a sequestrated estate under any other provision of that Act or other enactment) is conveyed to the trustee; and
      - (b) that the debtor agrees to convey to the trustee for the benefit of creditors generally any estate, wherever situated, which—
        - (i) is acquired by the debtor after the trust deed is granted and before the debtor’s discharge in terms of regulation 19; and
        - (ii) would have been conveyed to the trustee if it had been part of the debtor’s estate on the date on which the trust deed was granted.”;
  - (c) after paragraph (1), insert—
    - “(1A) Where a debtor’s dwellinghouse is excluded from a trust deed under section 5(4A)(b)(i) of the Act, the trust deed must also state—
      - (a) details of any secured creditor who has agreed not to claim under the trust deed under section 5(4A)(b)(ii) of the Act; and
      - (b) details of the debt in respect of which a secured creditor has agreed not to claim.”;
  - (d) at the beginning of paragraphs (2)(a)(iii) and (iv), insert “subject to any exclusion under section 5(4A)(b) of the Act,”; and
  - (e) after paragraph (2), insert—
    - “(3) A statement in terms of paragraph (1)(b) is not required for any trust deed granted before 15th November 2010.”.