
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 398

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

Amendment of the Protected Trust Deeds (Scotland) Regulations 2008

6. In regulation 8 (documents to be sent to creditors)—
- (a) after “the trustee” in the second place where it occurs insert “(other than a secured creditor who has consented in terms of regulation 5A(c))”;
 - (b) for sub-paragraph (c)(vi) substitute—
 - “(vi) a statement by the trustee, on the basis of the information then available—
 - (aa) whether the creditors are likely to be paid a dividend; and
 - (bb) what, in the case where a secured creditor is excluded from a trust deed under section 5(4A)(b)(ii) of the Act, is the effect on the dividend of that exclusion;”;
 - (c) the word “and” following sub-paragraphs (c)(vii) and (c)(viii) is omitted; and
 - (d) after sub-paragraph (c)(viii), insert—
 - “(ix) details of any protected trust deed under which, in the preceding 6 months, the debtor has been discharged in terms of regulation 19(1) or refused a discharge in terms of regulation 19(5); and
 - (x) where a secured creditor’s consent has been obtained in terms of regulation 5A(c), a statement containing—
 - (aa) a valuation made by a third party of the debtor’s dwellinghouse (or part thereof) which is excluded from the trust deed under section 5(4A)(b)(i) of the Act; and
 - (bb) the amount of the debt owed, in respect of the security held, to any secured creditor of that dwellinghouse who has been excluded from the trust deed under section 5(4A)(b)(ii) of the Act; and”.