

## SCHEDULE 2

Regulation 6

### CONSEQUENTIAL AMENDMENTS

#### **Bankruptcy (Scotland) Act 1985**

1. In section 14 (registration of warrant or determination of debtor application) of the 1985 Act(1), at the end of subsection (1)(b) insert—

“; and

- (c) a copy of the order to the DAS Administrator (as defined in regulation 2(1) of the Debt Arrangement Scheme (Scotland) Regulations 2011), where the debtor is taking part in a debt payment programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002”.

2. In section 15 (further provisions relating to award of sequestration) of the 1985 Act(2), for subsection (5)(b) substitute—

“(b) forthwith send a copy of the order refusing or awarding sequestration—

(i) to the Accountant in Bankruptcy; and

(ii) where the debtor is taking part in a debt payment programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002, to the DAS Administrator (as defined in regulation 2(1) of the Debt Arrangement Scheme (Scotland) Regulations 2011).”.

#### **Debt Arrangement and Attachment (Scotland) Act 2002**

3. In section 47(4) (exceptional attachment order) of the Act(3)—

(a) omit “and” immediately preceding paragraph (g); and

(b) after paragraph (g), insert—

“; and

(h) whether an application by the debtor for approval of a debt payment programme under Part 1 of this Act has been refused or approved, and if approved, whether that programme has been varied, or is revoked or completed.”.

#### **Protected Trust Deed (Scotland) Regulations 2008**

4. In regulation 4(2) of the Protected Trust Deed (Scotland) Regulations 2008(4) (debtors ineligible for protected status), omit sub-paragraph (b).

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(1) 1985 c.66. Section 14 (and the heading to that section) was amended by the Bankruptcy (Scotland) Act 1993 (c.6), Schedule 1, paragraph 3, by Schedule 3, paragraph 1 to S.S.I. 2004/468 revoked by these Regulations, and by schedule 1, paragraph 12 to the Bankruptcy and Diligence (Scotland) Act 2007 (asp 3) (“the 2007 Act”).

(2) 1985 c.66. Section 15 was amended by the 1993 Act, Schedule 1, paragraph 4 and by Schedule 3, paragraph 2 to S.S.I. 2004/468 revoked by these Regulations, and by section 16(2) of and schedule 1, paragraph 13 and schedule 6, Part 1, to the 2007 Act.

(3) 2002 asp 17. Section 47(4) was amended by Schedule 3, paragraph 4 to S.S.I. 2004/468 revoked by these Regulations.

(4) S.S.I. 2008/143, amended by S.S.I. 2010/398.