
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 318

The Protected Trust Deeds (Scotland) Regulations 2013

PART 3

REGISTRATION AND EFFECT OF PROTECTION

Effect of protected status

- 12.**—(1) Where a trust deed has become a protected trust deed then—
- (a) subject to regulation 17, a creditor who (either or both)—
 - (i) is not a notified creditor; or
 - (ii) notified the trustee of objection to the trust deed during the relevant period,has no higher right to recover the debt than a creditor who has acceded to, or been deemed by virtue of regulation 10(2) to have acceded to, the trust deed; and
 - (b) an application for sequestration of the debtor’s estate may not be made by the debtor while the trust deed subsists.
- (2) A creditor ceases to be deemed to have acceded to a trust deed in terms of regulation 10(2) if the trustee refuses a request by the debtor to apply to the Accountant for discharge in terms of regulation 24(8).
- (3) Where a secured creditor’s agreement has been obtained under regulation 6(c) and the trust deed becomes a protected trust deed, that creditor is not entitled—
- (a) to make a claim under the protected trust deed for any of the debt in respect of which the security is held;
 - (b) to do diligence against the assets conveyed to the trustee under the protected trust deed; or
 - (c) to petition for the sequestration of the debtor during the subsistence of the protected trust deed.