

POLICY NOTE

THE BANKRUPTCY FEES (SCOTLAND) REVOCATION REGULATIONS 2017

SSI 2017/97

1. The above instrument is made in exercise of the powers conferred by sections 69A and 72(1A) of the Bankruptcy (Scotland) Act 1985 (as amended), sections 205 and 225(2) of the Bankruptcy (Scotland) Act 2016 (“the 2016 Act”), and all other powers enabling the Scottish Ministers to do so. It is subject to the negative procedure.

Policy Objectives

2. The policy aim of the Bankruptcy Fees (Scotland) Revocation Regulations 2017 is to revoke the Bankruptcy Fees (Scotland) Regulations 2017 (S.S.I. 2017/37) which updated the provision for fees and outlays payable to the Accountant in Bankruptcy (“AiB”) in respect of the exercise of that office’s functions under the 2016 Act. S.S.I. 2017/37 also provided for when and in what manner the fees and outlays are due for payment.
3. The Bankruptcy Fees (Scotland) Regulations 2017 were due to come into force on 3 April 2017. These Regulations will revoke the Bankruptcy Fees (Scotland) Regulations 2017 before they come into force.
4. The reason for revoking the Bankruptcy Fees (Scotland) Regulations 2017 is concerns raised by the Economy, Jobs and Fair Work Committee at its meeting on 21 March 2017.

Consultation

5. There has been no formal consultation on the Bankruptcy Fees (Scotland) Revocation Regulations 2017.

Impact Assessments

6. No impact assessments have been prepared for these Regulations.

Financial Effect

7. As a result of this instrument, the fees and outlays currently payable to AiB continue to be payable by virtue of the Bankruptcy Fees (Scotland) Regulations 2014 (S.S.I. 2014/227 as amended by S.S.I 2015/80) and sections 234(3) and 235(1), (2) and (4) of the 2016 Act.

The Accountant in Bankruptcy on behalf of the Scottish Government

27 March 2017