
STATUTORY INSTRUMENTS

1985 No. 1924 (C. 47) (S. 146)

BANKRUPTCY, SCOTLAND

**The Bankruptcy (Scotland) Act 1985 (Commencement)
Order 1985**

Made - - - 2nd December 1985

The Secretary of State, in exercise of the powers conferred on him by section 78(2) and (3) of the Bankruptcy (Scotland) Act 1985^(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and interpretation

1. This order may be cited as the Bankruptcy (Scotland) Act 1985 (Commencement) Order 1985.
2. In this order “the Act” means the Bankruptcy (Scotland) Act 1985.

Commencement

3. The provisions of the Act specified in Schedule 1 to this order shall come into force on 1st February 1986.
4. The remaining provisions of the Act, in so far as not then in force, shall come into force on 1st April 1986, with the exception of those provisions specified in Schedule 2 to this order.

Transitional and Savings

5. Until the coming into force of the provisions in Schedule 2 to this order, any reference in the Act to “preferred debts” shall be construed as meaning the debts which in a sequestration are paid in priority to all other debts in accordance with the law in force immediately before 1st April 1986.

Michael Howard,
Parliamentary Under Secretary of State
for Corporate and Consumer Affairs.

Department of Trade and Industry,
1 Victoria Street,
London.
2nd December 1985.

(a) 1985 c.66.

SCHEDULE 1

Article 3

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST FEBRUARY 1986

<i>Provisions of the Act</i>	<i>Nature of the provision</i>
Section 1 (1)(b), (2) and (6).	Accountant in Bankruptcy.
Section 2(2), (3) and (4).	Interim trustee.
Section 72.	Regulations.
Section 73, except the definition of "preferred debt" in section 73(1).	Interpretation.
Section 76.	Receipts and expenses.

SCHEDULE 2

Article 4

PART I

PROVISIONS OF THE ACT WHICH DO NOT COME INTO FORCE ON 1ST APRIL 1986

<i>Provisions of the Act</i>	<i>Nature of the provision</i>
Section 51(2).	Definition of preferred debt.
In section 73(1), the definition of "preferred debt".	Interpretation.
Schedule 3.	Preferred debts.
In Schedule 7, paragraphs 12 and 13(3).	Consequential amendments.
In Schedule 8, the repeals listed in Part II below.	Repeals.

PART II

REPEALS WHICH DO NOT COME INTO FORCE ON 1ST APRIL 1986

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
3 & 4 Geo.5 c.20.	The Bankruptcy (Scotland) Act 1913.	Section 118.
10 & 11 Geo.6 c.47.	The Companies Act 1947.	Sections 91 and 115.
15 & 16 Geo.6 & 1 Eliz.2 c.33.	The Finance Act 1952.	In section 30, subsections (4) and (6).
1965 c.25.	The Finance Act 1965.	In Schedule 10, paragraph 15(1).
1970 c.10.	The Income and Corporation Taxes Act 1970.	In Part II of Schedule 15, the entry relating to the Finance Act 1952.
1974 c.46.	The Friendly Societies Act 1974.	In section 59, in subsection (1)(a) the words "or bankruptcy", in subsection (2) the words "or trustee in bankruptcy" and subsections (3) and (4).

1975 c.14.	The Social Security Act 1975.	In Schedule 18, paragraph 1(1)(b) and (2)(b).
1975 c.18.	The Social Security (Consequential Provisions) Act 1975.	In Schedule 2, paragraph 1.
1975 c.45.	The Finance (No 2) Act 1975.	In section 71(6), the words "section 30 of the Finance Act 1952".
1975 c.60.	The Social Security Pensions Act 1975.	In Schedule 4, paragraph 1.
1976 c.24.	The Development Land Tax Act 1976.	In section 42, subsection (1), so far as it relates to bankruptcy in Scotland; and subsection (4)(a).
1978 c.44.	The Employment Protection (Consolidation) Act 1978.	Section 121(1)(b).
1981 c.63.	The Betting and Gaming Duties Act 1981.	In section 30, subsections (1) and (2).
1983 c.53.	The Car Tax Act 1983.	In Schedule 1, paragraph 4.
1983 c.55.	The Value Added Tax Act 1983.	In Schedule 7, paragraph 12.
1985 c.17.	The Reserve Forces (Safeguard of Employment) Act 1985.	In section 13, the word "—(a)"; the words from "or, (b)" to "estate,"; the word "—(i)"; and the words from "or, (ii)" to "1913,".

EXPLANATORY NOTE

(This Note is not part of the Order)

This order brings into force on 1st April 1986, the provisions of the Bankruptcy (Scotland) Act 1985, with the exception of—

- (a) section 78 of the Act which came into force on its enactment on 30th October 1985;
- (b) the provisions specified in Schedule 1 to the order which are brought into force, by virtue of article 3 of the order, on 1st February 1986. Those provisions relate to the function of the Accountant in Bankruptcy to maintain a list of interim trustees, including provisions which enable the Secretary of State to prescribe the qualifications of persons to act as insolvency practitioners for the purposes of the Act; and
- (c) the provisions specified in Schedule 2 to the order. These provisions relate to preferred debts, including the preferred debts due to the Crown, which may not be brought into force until the corresponding provisions of the Insolvency Act 1985 (c.65) are brought into force.

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