



Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

PART 1

BANKRUPTCY

Miscellaneous and general

^{F1}25 Debt limits in sequestrations

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Textual Amendments

- F1** Ss. 5-32 repealed (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 9 pt. 1** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

^{F1}26 Creditor to provide debt advice and information package

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Textual Amendments

- F1** Ss. 5-32 repealed (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 9 pt. 1** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

^{F1}27 Continuation of sequestration proceedings

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Bankruptcy and Diligence etc. (Scotland) Act 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

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F128 Abolition of summary administration

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Textual Amendments

F1 Ss. 5-32 repealed (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 9 pt. 1** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

F129 Non-vested contingent interest reinvested in debtor

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Textual Amendments

F1 Ss. 5-32 repealed (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 9 pt. 1** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

F130 Debtor's requirement to give account of state of affairs

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Textual Amendments

F1 Ss. 5-32 repealed (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 9 pt. 1** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

F131 Restriction of debtor's right to appeal under sections 49(6) and 53(6) of the 1985 Act

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Textual Amendments

F1 Ss. 5-32 repealed (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 9 pt. 1** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

F132 Status of order on petition to convert protected trust deed into sequestration

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33 Power to provide for lay representation in sequestration proceedings

In section 32(1) of the Sheriff Courts (Scotland) Act 1971 (c. 58) (power of Court of Session to regulate civil procedure in sheriff court), after paragraph (l) insert—

“(m) permitting a debtor appearing before a sheriff under section 12 of the Bankruptcy (Scotland) Act 1985 (c. 66) (award of sequestration) to be represented, in such circumstances as may be specified in the act of sederunt, by a person who is neither an advocate nor a solicitor.”.

34 Treatment of student loans on sequestration

(1) In section 73B(12) of the Education (Scotland) Act 1980 (c. 44) (power to make provision in relation to treatment of student loans upon discharge under the 1985 Act), after “receive,” insert “before, on or”.

(2) In paragraph 6 of Schedule 2 to the Education (Student Loans) Act 1990 (c. 6) (treatment of student loans on sequestration), which, notwithstanding its repeal by section 44 of and Schedule 4 to the Teaching and Higher Education Act 1998 (c. 30), is saved by virtue of article 3 of the Teaching and Higher Education Act 1998 (Commencement No. 2 and Transitional Provisions) Order 1998 (S.I. 1998 No. 2004)

- (a) after “Where,” insert “before, on or”; and
- (b) after “before” insert “, on”.

F²35 Certain regulations under the 1985 Act: procedure

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Textual Amendments

F2 Ss. 35, 36 repealed (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 9 pt. 1](#) (with [ss. 232, 234\(3\), 235, 236](#)); S.S.I. 2016/294, reg. 2

F²36 Minor and consequential amendments of the 1985 Act

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Textual Amendments

F2 Ss. 35, 36 repealed (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 9 pt. 1](#) (with [ss. 232, 234\(3\), 235, 236](#)); S.S.I. 2016/294, reg. 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#)
- Act applied (with modifications) by [S.I. 2021/716 Sch. 3 para. 23](#)