



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 1

### BANKRUPTCY

#### *Offences*

#### **24 Modification of offences under section 67 of the 1985 Act**

- (1) Section 67 of the 1985 Act (general offences by debtor) is amended as follows.
- (2) In subsection (2), after “conceals” insert “, disposes of”.
- (3) Subsection (8) is repealed.
- (4) In subsection (9), for “to the extent of £100 (or such other sum as may be prescribed) or more” substitute—
  - “(a) to the extent of £500 (or such other sum as may be prescribed) or more; or
  - (b) of any amount, where, at the time of obtaining credit, the debtor has debts amounting to £1,000 (or such other sum as may be prescribed) or more,”.
- (5) After subsection (9), insert—

“(9A) For the purposes of calculating an amount of—

  - (a) credit mentioned in subsection (9) above; or
  - (b) debts mentioned in paragraph (b) of that subsection,

no account shall be taken of any credit obtained or, as the case may be, any liability for charges in respect of—

  - (i) any of the supplies mentioned in section 70(4) of this Act; and
  - (ii) any council tax within the meaning of section 99(1) of the Local Government Finance Act 1992 (c. 14).”.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In subsection (10)(a)—
- (a) the word “or” after sub-paragraph (i) is repealed;
  - (b) after sub-paragraph (ii) insert “; or  
(iii) a person subject to a bankruptcy restrictions order,  
or a bankruptcy restrictions undertaking, made in  
England or Wales,”; and
  - (c) for “either case” substitute “the case mentioned in sub-paragraph (i) or (ii)  
above”.
- (7) For subsection (10)(c) substitute—
- “(c) the relevant information about the status of the debtor is the  
information that—
- (i) his estate has been sequestrated and that he has not been  
discharged;
  - (ii) he is an undischarged bankrupt in England and Wales or  
Northern Ireland; or
  - (iii) he is subject to a bankruptcy restrictions order, or a  
bankruptcy restrictions undertaking, made in England or  
Wales,
- as the case may be.”.
- (8) After subsection (11) insert—
- “(11A) A person shall be guilty of an offence under subsection (1), (2), (4), (5), (6)  
or (7) above if that person does or, as the case may be, fails to do, in any place  
in England and Wales or Northern Ireland, anything which would, if done or,  
as the case may be, not done in Scotland, be an offence under the subsection  
in question.”.