

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, SCHEDULE 6. (See end of Document for details)*

## SCHEDULE 6

(introduced by section 226)

### REPEALS AND REVOCATION

#### Commencement Information

- II** Sch. 6 Pt. 1 partly in force; Sch. 6 Pt. 1 not in force at Royal Assent see s. 227; Sch. 6 Pt. 1 in force for certain purposes at 1.4.2008 by [S.S.I. 2008/115](#), [art. 3\(2\)](#), [Sch. 1](#) (subject to [art. 3\(3\)](#) and with [arts. 4-6, 10](#)); Sch. 6 Pt. 1 in force for certain further purposes at 22.4.2009 by [S.S.I. 2009/67](#), [art. 3\(2\)\(3\)](#), [Sch. 2](#) (with transitional modifications and savings in [arts. 4-6](#))

### PART 1

#### REPEALS

#### Commencement Information

- I2** Sch. 6 Pt. 1 in force at 4.4.2011 for specified purposes by [S.S.I. 2011/179](#), [art. 3\(c\)](#) (with [art. 4](#))

<i>Enactment</i>	<i>Extent of repeal</i>
Decrees in Absence Act 1584 (c. 10) (Act of the Parliaments of Scotland)	The whole Act.
Ejection Caution Act 1594 (c. 27) (Act of the Parliaments of Scotland)	The whole Act.
Arrestments Act 1617 (c. 17) (Act of the Parliaments of Scotland)	The whole Act.
Diligence Act 1621 (c. 6) (Act of the Parliaments of Scotland)	The whole Act.
Adjudication Act 1621 (c. 7) (Act of the Parliaments of Scotland)	The whole Act.
Diligence Act 1661 (c. 344) (Act of the Parliaments of Scotland)	The whole Act.
Minority Act 1663 (c. 4) (Act of the Parliaments of Scotland)	The whole Act.
Adjudications Act 1672 (c. 45) (Act of the Parliaments of Scotland)	The whole Act.
Debtors (Scotland) Act 1838 (c. 114)	Section 17. Section 22.
Hypothec Amendment (Scotland) Act 1867 (c. 42)	The whole Act.
Titles to Land Consolidation (Scotland) Act 1868 (c. 101)	In section 3, in the definition of the “deed” and “conveyance”, the words “of adjudication for debt, and” and the words “whether for debt or implement,”.

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	In section 62, the words “, whether for debt or”, in both places where they occur. In section 129, the words “, whether for debt or”, in both places where they occur. In section 159, the words “for debt or in security or”. Schedules PP and RR.
Hypothec Abolition (Scotland) Act 1880 (c. 12)	The whole Act.
Judicial Factors (Scotland) Act 1889 (c. 39)	In section 11A(2), the words “Court or”; and in paragraph (a), the word “permanent”.
Heritable Securities (Scotland) Act 1894 (c. 44)	Sections 3, 6 and 7. Schedules A to C
Sheriff Courts (Scotland) Act 1907 (c. 51)	In section 5(4), the words “actions of adjudication save in so far as now competent and”. In section 29, the words “of a warrant of sequestration for rent, or”. F1 ...”.
Conveyancing (Scotland) Act 1924 (c. 27)	In section 44, subsection (1); and in subsection (2), in paragraph (a)(i), the words “and Adjudications”, and paragraph (b).
Execution of Diligence (Scotland) Act 1926 (c. 16)	F1 ... Section 4. In section 5, the words from “a law agent” to the end.
Public Registers and Records (Scotland) Act 1948 (c. 57)	In section 1(2), the words “and Adjudications”.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)	Section 8(2)(e).
Taxes Management Act 1970 (c. 9)	In section 64(1), the words “poining, sequestration for rent, or”.
Sheriff Courts (Scotland) Act 1971 (c. 58)	In section 35(1)(b), the words “and actions of sequestration for rent” and the words “or the rent in respect of which sequestration is asked,”.
Prescription and Limitation (Scotland) Act 1973 (c. 52)	Section 1(4).
Land Registration (Scotland) Act 1979 (c. 33)	In section 6(1)(c), the words “and Adjudications”. In section 12(3)(k), the words “and Adjudications”.
Sale of Goods Act 1979 (c. 54)	In section 62(5), the words “or sequestration for rent”.
Rent (Scotland) Act 1984 (c. 58)	Section 110.

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Family Law (Scotland) Act 1985 (c. 37)

Section 19.

Bankruptcy (Scotland) Act 1985 (c. 66)

In section 1A, in subsection (1)(b)(ii), the words “under paragraph 5(1)(e) of Schedule 5 to this Act”; and in subsection (3)(c), the word “permanent”.

Section 2(4).

In section 3, the word “permanent” in each place where it occurs.

In section 4, the words “(other than one to which Schedule 2 to this Act applies)”; and the word “permanent”.

In section 5, in subsection (4A), the word “permanent”; in subsection (7), paragraph (a); and in subsection (8)(a), the words “or concurs in a petition by the debtor”.

In section 7(1), in paragraph (c), subparagraphs (iii), (iv), (v) and (vi); and the words “ “confiscation order””, where they second occur.

In section 8, in subsection (1)(a), subparagraph (i); in subsection (5), the words “, or the concurring in,”; and in subsection (6), the words “or concurring” and “or concur”.

Section 12(1A).

In section 13(2)(b), the words “in the sequestration”.

In section 14, in subsection (1)(a), the words “and adjudications”; in subsection (2) the words “and of a citation in an adjudication”; in subsection (3)(a), the words “, or by virtue of paragraph 11 of Schedule 4 to,”; in subsection (4), the word “permanent” and the words “and adjudications”; and subsection (5).

In section 15, in subsection (3), the words “or a creditor concurring in the petition for sequestration”; in subsection (5)(a), the words “and adjudications”; in subsection (6), the word “interim”; and in subsection (8)(a), the words from “permanent”, where it first occurs, to “interim”.

In section 16, in subsection (1)(b), the words “interim trustee, the permanent”; and in subsection (2), the words “interim trustee or permanent”.

In section 17(8), in paragraph (a), the words “and adjudications”; and in paragraph (b)(ii), the word “permanent”.

Section 18(2)(g).

In section 19, in subsection (1), the word “interim”, where it second occurs; and in subsections (2) to (4), the word “interim”, in each place where it occurs.

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In section 20, the word “interim”, in each place where it occurs; and subsections (4) and (5).

In section 20A, the words “interim” and “21 or”.

In section 21A, in subsection (1), the word “interim”, where it second occurs; in subsections (2) to (7), the word “interim”, in each place where it occurs; and subsection (9).

In section 21B, in subsection (1), the word “interim”, where it first occurs and paragraph (b) and the word “and” immediately preceding that paragraph; and subsection (2).

In section 22, the word “interim”, in each place where it occurs; and in subsection (5)(b)(ii), the words “or permanent trustee”.

In section 23, the word “interim”, in each place where it occurs.

In section 24, in subsection (2), the word “permanent”, where it third and fourth occurs; and in subsection (4)(b), the words from “who” to the end.

In section 25, in subsection (6), paragraph (a) and the word “and” immediately following that paragraph; and in paragraph (b), the words “where he is not the same person as the interim trustee,” and the word “permanent”.

Section 25A.

In section 26, in subsection (2)(b), the words “(unless the interim trustee has himself become the permanent trustee)”; and in subsection (3)(b)(i), the words “(except where the interim trustee has himself become the permanent trustee)”.

In section 26A, in subsection (2), the word “interim”, where it second occurs; and in subsections (4), (5) and (7), the word “interim”, in each place where it occurs.

Section 27(7).

In sections 28 to 30, the word “permanent”, in each place where it occurs.

In section 31, in subsection (1), the words “in the permanent trustee” and paragraphs (a) and (b) and the word “; and” immediately preceding them; in subsection (2), the words “(reserving any effect of such inhibition on ranking)”; and in subsections (2) to (7) and (10) the word “permanent”, in each place where it occurs.

In section 31A(2) (as inserted by paragraph 15 of Schedule 11 to the Proceeds of Crime Act 2002 (c. 29)), the word “permanent”.

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In section 31B, in subsection (1), the word “and” following paragraph (a); and in subsection (2), the word “permanent”

In sections 31C to 36C, 36E and 36F, the word “permanent”, in each place where it occurs.

In section 37, subsection (1)(a); in subsection (2), the word “which”, the words “shall be effectual to create a preference for the inhibitor and” and the word “permanent”; in subsection (4), the word “permanent” in both places where it occurs; in subsection (6), the word “permanent” in both places where it occurs; and in subsection (8), the words from “to”, where it first occurs, to “or”, where it [<sup>F2</sup>third] occurs; and in subsection (9), the word “permanent”.

In section 38, the word “permanent” in each place where it occurs.

In section 39, in subsection (1), the word “permanent”, in both places where it occurs, and the words “with the commissioners or, if there are no commissioners,”; and in paragraph (c), the words “if there are no commissioners,”; and in subsection (2), the word “permanent”, the words from “but” to “court” and the words from “if”, where it second occurs, to “estate”, where it first occurs; and in subsections (3) to (6) and (8), the word “permanent” in each place where it occurs.

In sections 40 to 45, the word “permanent” in each place where it occurs.

In section 46, in subsection (1), in paragraph (a), the word “permanent” and in paragraph (b) the words “the Court of Session or” and the word “permanent”; and in subsection (4), the word “permanent”.

In section 47, the word “permanent” in both places where it occurs.

In section 48, in subsection (1), the word “permanent”; in subsection (2), in paragraph (a), the word “interim” and in paragraph (b), the word “permanent”; in subsection (3), the words from “; and”, where it second occurs, to the end of the subsection; in subsections (4) and (5), the word “permanent”, in each place where it occurs; in subsection (7), paragraph (a) and in paragraph (b) the words “ “interim” and”, “respectively” and “ “permanent” and”; and in subsection (8), the word “permanent”.

In sections 49 to 53, the word “permanent”, in each place where it occurs.

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In section 54, the word “permanent”, in each place where it occurs; in subsection (4)(b)(ii), the words “interim or”; and in subsection (7) (a), the words “and adjudications”.

In sections 56 and 57, the word “permanent”, in each place where it occurs.

In section 58A, in subsections (1), (4), (5) and (7), the word “permanent”, in each place where it occurs; and subsection (9).

In section 60(2), the word “permanent”.

In sections 61 to 65, the word “permanent”, in each place where it occurs.

In section 67, in subsection (4), the word “permanent”; and in subsection (5), in paragraph (b), the words “interim or permanent”.

In sections 69 and 70, the word “permanent”, in each place where it occurs.

In section 73(1), the definition of “permanent trustee”.

In section 75, in subsection (4), the words “by the permanent trustee”; in subsection (5), paragraph (b); in subsection (7), the word “permanent”; and in subsection (11), the words from “permanent”, where it first occurs, to “interim”.

In Schedule 1, the word “permanent”, in each place where it occurs.

In Schedule 4, in paragraph 1(1), the word “permanent”, where it second occurs; in paragraph 2, the word “permanent”; in paragraph 4, the word “permanent”, where it first occurs; in paragraph 9, in sub-paragraphs (1) and (1A), the word “permanent”, in each place where it occurs; in paragraph 12, the word “permanent”, in both places where it occurs; in paragraph 17, in sub-paragraphs (1), (3) and (4), the word “permanent”, in each place where it occurs; and in paragraph 18, in sub-paragraphs (3) and (4), the word “permanent”, in each place where it occurs.

In Schedule 5, in paragraph 2(1), the words “and adjudications”; and in paragraph 4, sub-paragraphs (b)(ii) and (d).

In Schedule 6, the word “permanent”, in each place where it occurs (including the occurrence in the italic cross-heading preceding paragraph 7); and in paragraph 11(2), the words “the interim trustee or, as the case may be,”.

In Schedule 7, in paragraph 25(a), the words “interim or permanent”.

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Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)	In section 8(7), the words “and Adjudications”.
Insolvency Act 1986 (c. 45)	In section 185(2)(d), the word “permanent”.
Debtors (Scotland) Act 1987 (c. 18)	Section 2(1)(b)(iv). In section 5, subsection (1)(c). Section 8(3). In section 9, subsection (1)(b)(iv); and, in subsection (8), the words “to grant”. Section 15(1). F1 ... Section 101. In Schedule 6, paragraph 3.
Proceeds of Crime (Scotland) Act 1995 (c. 43)	In section 32, in subsection (2), the words from “as” to the end; subsection (3); and in subsection (5)(b), the words “and Adjudications”. In Schedule 1, in paragraph 7(c), the words from “raise” to “property” where it first occurs
Terrorism Act 2000 (c. 11)	In Schedule 4, in paragraph 21, in sub-paragraph (2)(b) the words from “shall”, where it first occurs, to “and”, where it first occurs, and the words “and adjudications”; in sub-paragraph (3), the words from “as” to the end; and in sub-paragraph (5)(b), the words “and adjudications”.
Mortgage Rights (Scotland) Act 2001 (asp 11)	In section 3(1), the words “and Adjudications”.
International Criminal Court (Scotland) Act 2001 (asp 13)	In Schedule 6, in paragraph 6, in sub-paragraph (2)(b) the words from “shall”, where it first occurs, to “and”, where it first occurs, and the words “and Adjudications”; in sub-paragraph (3), the words from “as” to the end; and in sub-paragraph (6)(b), the words “and Adjudications”. In Schedule 6, in paragraph 10(6), the words “and Adjudications”.
Proceeds of Crime Act 2002 (c. 29)	In section 123, in subsection (4), the words from “as” to the end; and in subsection (7)(b), the words “and Adjudications”. Section 285(7). In Schedule 3, paragraph 7(5), the words from “raise” to “property” where it first occurs.
Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)	Section 4(2A)(d). Section 15(1). Section 60(1), (2)(b), (4) and (5). [F3]In]Schedule 1, paragraph 4(a), the words “of court”.

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#### Textual Amendments

- F1** Words in Sch. 6 repealed (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 Pt. 2](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1
- F2** Word in Sch. 6 substituted (1.4.2015) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), [Sch. 3 para. 40](#); S.S.I. 2014/261, art. 3 (with arts. 4-712) (as amended by S.S.I. 2015/54, art. 2)
- F3** Word in Sch. 6 Pt. 1 inserted (31.1.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 4 para. 32](#); S.S.I. 2011/30, art. 3(1)(3), Sch. 1

## PART 2

### REVOCATION

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#### *Enactment*

#### *Extent of revocation*

The Bankruptcy (Scotland) Regulations 1985 (S.I. 1985 No. 1925)      Regulation 13.

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