

*These notes relate to the Home Owner and Debtor Protection (Scotland)  
Act 2010 (asp 6) which received Royal Assent on 18 March 2010*

# HOME OWNER AND DEBTOR PROTECTION (SCOTLAND) ACT 2010

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## EXPLANATORY NOTES

### THE ACT

#### **Part 2 – Sequestration and Trust Deeds**

##### *Section 12 – abolition of certain requirements to advertise in Edinburgh Gazette*

74. [Section 12](#) repeals sections 15(6) and 25(6) of the 1985 Act. Section 15(6) requires a trustee in sequestration to advertise the award of sequestration in the Edinburgh Gazette. The advert must contain the information prescribed by regulation 11 of the [Bankruptcy \(Scotland\) Regulations 2008 \(S.S.I. 2008/82\)](#). Section 25(6) requires a replacement trustee to advertise their appointment in the Edinburgh Gazette in the form prescribed as Form 5 to the those Regulations.
75. There are other requirements to advertise in the Edinburgh Gazette which are not affected by section 12 of the Act in sections 16(3), 29(2), 45(3) and Schedule 4 of the 1985 Act. There is also a requirement to advertise trust deeds in the Edinburgh Gazette before they become protected trust deeds (regulation 7 of the [Protected Trust Deeds \(Scotland\) Regulations 2008 \(S.S.I. 2008/143\)](#)). The Scottish Government has indicated its intention to amend [S.S.I. 2008/143](#) so that publicity requirements for protected trust deeds are in line with those applying to sequestrations following the section 12 amendments.