



Bankruptcy and Debt Advice (Scotland) Act 2014

2014 asp 11

BANKRUPTCY AND DEBT ADVICE (SCOTLAND) ACT 2014

Advice and education

- 1 Sequestration of estate of living debtor: money advice
- 2 Financial education for debtor

Payments by debtor following sequestration

- 3 Debtor's contribution: common financial tool
- 4 Debtor contribution order

Sequestration where debtor has few assets

- 5 Debtor application
- 6 Circumstances where Accountant in Bankruptcy appointed as trustee
- 7 Discharge, conditions etc.

Moratorium on diligence

- 8 Moratorium on diligence

Application for sequestration

- 9 Statement of undertakings
- 10 Debtor application: incomplete or inappropriate application
- 11 Sequestration: application by executor
- 12 Concurrent proceedings for sequestration: recall

Administration of estate

- 13 Debtor's bank account
- 14 Submission of claims to trustee
- 15 First accounting period

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Bankruptcy and Debt Advice (Scotland) Act 2014 (repealed). (See end of Document for details)

16 Vesting of estate after sequestration

Discharge following sequestration

- 17 Discharge of debtor
- 18 Repeal of discharge on composition
- 19 Deferral of discharge where debtor cannot be traced
- 20 Unclaimed dividends and unapplied balances
- 21 Assets discovered after trustee discharge: appointment of trustee

Records

- 22 Register of insolvencies
- 23 Sederunt book
- 24 Abolition of certain requirements in relation to Edinburgh Gazette

Functions of sheriff and Accountant in Bankruptcy in sequestration

- 25 Application by trustee for direction on matters in sequestration
- 26 Recall of sequestration by sheriff
- 27 Recall of sequestration by Accountant in Bankruptcy
- 28 Appointment of replacement trustee
- 29 Replacement of trustee acting in more than one sequestration
- 30 Removal of trustee and trustee not acting
- 31 Removal of commissioner
- 32 Contractual powers of trustee
- 33 Bankruptcy restrictions order
- 34 Conversion of protected trust deed into sequestration
- 35 Power to cure defects in procedure
- 36 Regulations: applications to Accountant in Bankruptcy etc.
- 37 Valuation of debts depending on contingency

Review of decisions made by Accountant in Bankruptcy

- 38 Review of decisions about interim trustee
- 39 Review of decision not to award sequestration
- 40 Review of decisions about replacement trustee
- 41 Review of decisions about adjudication of creditor's claims
- 42 Review of decision about discharge of trustee
- 43 Appeals against decisions on review

Miscellaneous amendments

- 44 Representation of Accountant in Bankruptcy in sheriff court
- 45 Failure to send statements of assets and liabilities
- 46 Time limits for sequestration of limited partnership
- 47 Petition for sequestration by trustee under trust deed
- 48 Effect of sequestration: renewal of period of inhibition etc.
- 49 Division and sale of debtor's family home
- 50 Effect of discharge of debtor
- 51 Offence of obtaining credit: increase in amount
- 52 Bankruptcy restrictions undertaking: repeal
- 53 Debt arrangement schemes: extension to non-natural persons and fees

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General

- 54 Meaning of “the 1985 Act”
- 55 Ancillary provision
- 56 Minor and consequential amendments and repeals
- 57 Commencement
- 58 Short title

SCHEDULE 1 — SCHEDULE A1 TO THE 1985 ACT

This is the Schedule that is to be inserted as...

SCHEDULE 2 — INFORMATION TO BE INCLUDED IN THE SEDERUNT BOOK

This is the Schedule that is to be inserted as...

SCHEDULE 3 — MINOR AND CONSEQUENTIAL AMENDMENTS

Sheriff Courts (Scotland) Act 1971 (c.58)

- 1 In section 32(1)(m) of the Sheriff Courts (Scotland) Act 1971...

Bankruptcy (Scotland) Act 1985 (c.66)

- 2 The Bankruptcy (Scotland) Act 1985 Act is amended as follows...
- 3 In section 1A(1)(b) (register of insolvencies)— (a) before sub-paragraph (i)...
- 4 In section 5 (sequestration of the estate of living or...
- 5 In section 5B (certificate for sequestration), in each of subsections...
- 6 In section 6 (sequestration of other estates)—
- 7 In section 7 (meaning of “apparent insolvency”)—
- 8 In section 9(1A) (jurisdiction), after “living” insert “ or deceased...
- 9 In section 12 (when sequestration is awarded)—
- 10 In section 13B (termination of Accountant in Bankruptcy's functions as...
- 11 In section 14(1) (registration of warrant or determination of debtor...
- 12 In section 14(3) (expiry of effect of inhibition), after paragraph...
- 13 In section 15(4), for “16 and 17” substitute “ 10A(3A),...
- 14 In section 17 (recall of sequestration)— (a) in subsection (2),...
- 15 In section 20(1) (trustee's duties on receipt of list of...
- 16 In section 23(3) (proceedings at statutory meeting before trustee vote),...
- 17 In section 26(1) (provisions relating to termination of original trustee's...
- 18 In section 27(4) (discharge of original trustee: appeal etc.) for...
- 19 In section 29(8) (removal of trustee and trustee not acting:...
- 20 In section 32 (vesting of estate of debtor after sequestration)—...
- 21 In section 39A(3) (debtor's home ceasing to form part of...
- 22 In section 43A(1) (debtor's requirement to give account of affairs),...
- 23 In section 47 of the 1985 Act (conduct of examination),...
- 24 In section 48 of the 1985 Act (submission of claims...
- 25 In section 50(1) (entitlement to vote and draw a dividend),...
- 26 In section 52(7) (set aside of certain estate where appeal)—...
- 27 In section 53 (procedure after end of accounting period)—
- 28 The title of section 55 becomes “ Effect of discharge...

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- 29 In section 55— (a) in subsection (1), after “54” insert...
- 30 In section 56J (effect of recall of sequestration)—
- 31 In section 58 (unclaimed dividends), for “57(1)(a)”, in both places...
- 32 In section 58A(4) (documents sent on discharge of Accountant in...
- 33 In section 60B(2) (trustee's duty to give notice etc. to...
- 34 In section 72 (regulations)— (a) after subsection (1), insert—
- 35 In section 73(1) (interpretation)— (a) in the definition of “commissioner”,...
- 36 In Schedule 1 (determination of amount of creditor's claim), in...
- 37 In Part 2 of Schedule 7 (re-enactment of certain provisions...

Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17)

- 38 In section 62 of the Debt Arrangement and Attachment (Scotland)...

Fire (Scotland) Act 2005 (asp 5)

- 39 In paragraph 5(2)(d) of schedule 1A to the Fire (Scotland)...

Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)

- 40 In schedule 6 (repeals), in the entry relating to section...

Housing (Scotland) Act 2010 (asp 17)

- 41 In section 165 (interpretation), in the definition of “undischarged bankrupt”,...

SCHEDULE 4 — REPEALS

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