

*These notes relate to the Bankruptcy and Debt Advice (Scotland) Act 2014 (asp 11) which received Royal Assent on 29 April 2014*

# **BANKRUPTCY AND DEBT ADVICE (SCOTLAND) ACT 2014**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by the Parliament.
2. The Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section, or a part of a section, does not seem to require any explanation, none is given. In particular, subordinate legislation to implement the Act is referred to where available at the time of publication of the Notes (Spring 2015) and may not be comprehensively described.
3. In these Notes:-
  - ‘AiB’ means the Accountant in Bankruptcy<sup>1</sup>;
  - ‘the 1985 Act’ means the [Bankruptcy \(Scotland\) Act 1985 \(c.66\)](#);
  - ‘the 2002 Act’ means the [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#);
  - ‘the BAD Act’ means the [Bankruptcy & Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#);
  - ‘DAS’ means the Debt Arrangement Scheme;
  - ‘DAS regulations’ means the [Debt Arrangement Scheme \(Scotland\) Regulations 2011 \(S.S.I. 2011/141 as amended\)](#);
  - ‘PTD’ means Protected Trust Deed; and
  - ‘the Scottish Law Commission report’ means the *Report on the Consolidation of Bankruptcy Legislation in Scotland*<sup>2</sup>.

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<sup>1</sup> The Accountant in Bankruptcy is an officer of court established under sections 1 to 1C of the 1985 Act, also with executive agency functions of the Scottish Ministers.

<sup>2</sup> Scot Law Com No. 232, see [http://www.scotlawcom.gov.uk/files/7113/6853/1202/Report\\_on\\_the\\_Consolidation\\_of\\_Bankruptcy\\_Legislation\\_in\\_Scotland.pdf](http://www.scotlawcom.gov.uk/files/7113/6853/1202/Report_on_the_Consolidation_of_Bankruptcy_Legislation_in_Scotland.pdf).