Changes to legislation: *Bankruptcy (Scotland) Act 2016, PART 1 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 3 S
PREFERRED DEBTS

PART 1 S

LIST OF PREFERRED DEBTS

Contributions to occupational pension schemes etc.

1 Any sum which is owed by the debtor and is a sum to which schedule 4 of the Pension Schemes Act 1993 (contributions to occupational pension scheme and state scheme premiums) applies.

Commencement Information
I1 Sch. 3 para. 1 in force at 30.11.2016 by S.S.I. 2016/294, **reg. 2**

Remuneration of employees etc.

2 (1) So much of any amount which—
(a) is owed by the debtor to a person who is or has been an employee of the debtor, and
(b) is payable by way of remuneration in respect of the whole or any part of the 4 months which immediately precedes the relevant date,
as does not exceed the prescribed amount.

(2) An amount owed by way of accrued holiday remuneration, in respect of any period of employment before the relevant date, to a person whose employment by the debtor has been terminated (whether before, on or after that date).

(3) So much of any amount owed in respect of money advanced for the purpose as has been applied for the payment of a debt which, if it had not been paid, would have been a debt falling within sub-paragraph (1) or (2).

Commencement Information
I2 Sch. 3 para. 2 in force at 30.11.2016 by S.S.I. 2016/294, **reg. 2**

3 So much of any amount which—
(a) is ordered, whether before or after the relevant date, to be paid by the debtor under the Reserve Forces (Safeguard of Employment) Act 1985, and
(b) is so ordered in respect of a default made by the debtor before that date in the discharge of the debtor's obligations under that Act,
as does not exceed such amount as may be prescribed.

Commencement Information
I3 Sch. 3 para. 3 in force at 30.11.2016 by S.S.I. 2016/294, **reg. 2**

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Levies on coal and steel production

4 Any sums due at the relevant date from the debtor in respect of—

(a) the levies on the production of coal and steel referred to in Articles 49 and 50 of the Treaty establishing the European Coal and Steel Community, or

(b) any surcharge for delay provided for in Article 50(3) of that Treaty and Article 6 of Decision 3/52 of the High Authority of that Community.

Commencement Information

I4 Sch. 3 para. 4 in force at 30.11.2016 by S.S.I. 2016/294, **reg. 2**

Debts owed to the Financial Services Compensation Scheme

5 Any debt owed by the debtor to the scheme manager of the Financial Services Compensation Scheme under section 215(2A) of the Financial Services and Markets Act 2000.

Commencement Information

I5 Sch. 3 para. 5 in force at 30.11.2016 by S.S.I. 2016/294, **reg. 2**

Deposits covered by Financial Services Compensation Scheme

6 So much of any amount owed at the relevant date by the debtor in respect of an eligible deposit as does not exceed the compensation that would be payable in respect of the deposit under the Financial Services Compensation Scheme to the person or persons to whom the amount is owed.

Commencement Information

I6 Sch. 3 para. 6 in force at 30.11.2016 by S.S.I. 2016/294, **reg. 2**

Other deposits

7 So much of any amount owed at the relevant date by the debtor to one or more eligible persons in respect of an eligible deposit as exceeds any compensation that would be payable in respect of the deposit under the Financial Services Compensation Scheme to that person or those persons.

Commencement Information

I7 Sch. 3 para. 7 in force at 30.11.2016 by S.S.I. 2016/294, **reg. 2**

8 An amount owed at the relevant date by the debtor to one or more eligible persons in respect of a deposit which—

(a) was made through a **[**[F1]non-UK**]** branch of a credit institution authorised by the competent authority of **[**[F2]the United Kingdom**]**, and

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(b) would have been an eligible deposit if it had been made through **[**[F3]a UK**]** branch of that credit institution.

Textual Amendments

F1 Word in sch. 3 para. 8(a) substituted (17.8.2022) by The Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2022 (S.I. 2022/838), regs. 1(2), **8(2)(a)(i)** (with regs. 24-26)

F2 Words in sch. 3 para. 8(a) substituted (17.8.2022) by The Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2022 (S.I. 2022/838), regs. 1(2), **8(2)(a)(ii)** (with regs. 24-26)

F3 Words in sch. 3 para. 8(b) substituted (17.8.2022) by The Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2022 (S.I. 2022/838), regs. 1(2), **8(2)(b)** (with regs. 24-26)

Commencement Information

I8 Sch. 3 para. 8 in force at 30.11.2016 by S.S.I. 2016/294, **reg. 2**

[[F4]Certain HMRC debts

Textual Amendments

F4 Sch. 3 para. 8A and cross-heading inserted (with application in accordance with s. 98(7) of the amending Act) by Finance Act 2020 (c. 14), **s. 98(4)**

8A (1) Any amount owed at the relevant date by the debtor to the Commissioners in respect of—

(a) value added tax, or

(b) a relevant deduction.

(2) In sub-paragraph (1), the reference to "any amount" is subject to any regulations under section 99(1) of the Finance Act 2020.

(3) For the purposes of sub-paragraph (1)(b) a deduction is "relevant" if—

(a) the debtor is required, by virtue of an enactment, to make the deduction from a payment made to another person and to pay an amount to the Commissioners on account of the deduction,

(b) the payment to the Commissioners is credited against any liabilities of the other person, and

(c) the deduction is of a kind specified in regulations under section 99(3) of the Finance Act 2020.

(4) In this paragraph "the Commissioners" means the Commissioners for Her Majesty's Revenue and Customs.**]**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by 2019 asp 4 s. 7(2)(a)
- s. 78(2)(b) and word inserted by 2019 asp 4 s. 7(2)(b)