



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 15 **S**

MORATORIUM ON DILIGENCE

195 Moratorium on diligence: notice of intention to make debtor application under section 2(1)(a) **S**

- (1) A person may give written notice to AiB of the person's intention—
 - (a) to make a debtor application under section 2(1)(a),
 - (b) to seek to fulfil the conditions required in order for a trust deed granted by or on behalf of that person to be granted the status of protected trust deed, or
 - (c) to apply for the approval of a debt payment programme in accordance with section 2 of the 2002 Act.
- (2) A person may not give notice under subsection (1) if that person has given such notice in the immediately preceding 12 months.
- (3) AiB must, without delay after receipt of a notice under subsection (1), enter in the registers mentioned in subsection (4)—
 - (a) the name of the person who gave the notice, and
 - (b) such other information as AiB considers appropriate in relation to that person.
- (4) The registers are—
 - (a) the register of insolvencies, and
 - (b) the register of debt payment programmes (in this Part referred to as the “DAS register”) established and maintained in accordance with section 7 of the 2002 Act.

Commencement Information

II S. 195 in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

Changes to legislation:

Bankruptcy (Scotland) Act 2016, Section 195 is up to date with all changes known to be in force on or before 25 April 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.

[View outstanding changes](#)

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\(2\)\(b\)](#)