



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 6

#### DEBTOR'S CONTRIBUTION

##### *Payments by debtor following sequestration*

#### **91 Debtor contribution order: payment period and intervals**

- (1) A debtor contribution order must contain provision requiring the debtor to pay the debtor's contribution (if not zero)—
  - (a) during the payment period, and
  - (b) at regular intervals determined by the person making or varying the order.
- (2) In subsection (1)(a), “payment period” means—
  - (a) the 48 months beginning with the date of the first payment,
  - (b) such shorter period as is determined by the person making or varying the order, or
  - (c) such longer period as is—
    - (i) determined by the trustee where there is a period during which the debtor did not pay an amount required under the debtor contribution order, or
    - (ii) agreed by the debtor and the trustee.
- (3) The person making or varying the order may determine a shorter period under subsection (2)(b) only if, in the opinion of that person, the value of—
  - (a) the debtor's contribution during the shorter period, and
  - (b) any other estate of the debtor taken possession of by the trustee,would be sufficient to allow a distribution of the debtor's estate to meet in full all of the debts mentioned in section 129.
- (4) AiB must, when making a debtor contribution order—
  - (a) determine the date of the first payment, or
  - (b) in a case where the debtor's contribution is fixed as zero, determine the date which is to be deemed the date of the first payment under the order.

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**Changes to legislation:** Bankruptcy (Scotland) Act 2016, Section 91 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details) [View outstanding changes](#)

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#### Commencement Information

**II** [S. 91](#) in force at 30.11.2016 by [S.S.I. 2016/294](#), **reg. 2**

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