



Bankruptcy and Debt Advice (Scotland) Act 2014

2014 asp 11

Records

22 Register of insolvencies

In section 1A of the 1985 Act (supervisory functions of the Accountant in Bankruptcy)

- (a) in subsection (1)(b)—
 - (i) for “the Court of Session by act of sederunt” substitute “regulations made by the Scottish Ministers”, and
 - (ii) after paragraph (iii), insert “, and
 - (iv) any other document as may be specified in regulations made under this subsection or any other enactment.”, and
- (b) after subsection (4), insert—

“(5) Regulations under subsection (1)(b) may in particular prescribe circumstances where information need not be included in the register of insolvencies, if in the opinion of the Accountant in Bankruptcy inclusion of the information would be likely to jeopardise the safety or welfare of any person.”.

23 Sederunt book

- (1) In section 57 of the 1985 Act (discharge of trustee)—
 - (a) in subsection (1)(b), after “book” insert “in the format specified by subsection (1A) and”,
 - (b) after subsection (1), insert—

“(1A) The trustee must send an electronic version of the sederunt book in such format as the Accountant in Bankruptcy may from time to time direct.”, and
 - (c) in subsection (2)(b), for “at the office of the Accountant in Bankruptcy” substitute “following a request made to the Accountant in Bankruptcy”.

- (2) In section 58A(4)(b)(ii) of the 1985 Act (notice on sederunt book sent on discharge of Accountant in Bankruptcy as trustee), for “at such address as the Accountant in Bankruptcy may determine” substitute “following a request made to the Accountant in Bankruptcy”.
- (3) In section 62 of the 1985 Act (sederunt book and other documents)—
- (a) in subsection (2), for “Court of Session may by act of sederunt” substitute “the Scottish Ministers may by regulations”, and
 - (b) after that subsection, insert—
 - “(2A) The trustee must insert in the sederunt book the information listed in Schedule 3A to this Act.
 - (2B) The Scottish Ministers may by regulations modify Schedule 3A.”.
- (4) After Schedule 3 to the 1985 Act insert the Schedule 3A set out in schedule 2 to this Act.

24 Abolition of certain requirements in relation to Edinburgh Gazette

- (1) In section 16 of the 1985 Act (petitions for recall of sequestration), for subsection (3) substitute—
- “(3) On service of a copy of the petition under subsection (2), the Accountant in Bankruptcy must enter particulars of the petition in the register of insolvencies.”.
- (2) In section 45 of the 1985 Act (public examination)—
- (a) in subsection (3)(a), for “publish in the Edinburgh Gazette” substitute “send to the Accountant in Bankruptcy”, and
 - (b) after subsection (3), insert—
 - “(3A) The Accountant in Bankruptcy must enter particulars of the notice sent under subsection (3)(a) in the register of insolvencies.”.
- (3) Section 71 (Edinburgh Gazette) is repealed.