Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 5

VESTING ETC.

Limitation on vesting

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(1) The following property of the debtor does not vest in the trustee in the sequestration—

(a) any property—

(i) kept outside a dwellinghouse, and

(ii) in respect of which attachment is, by virtue of section 11(1) of the 2002 Act, incompetent,

(b) any property—

(i) kept inside a dwellinghouse, and

(ii) not a non-essential asset for the purposes of Part 3 of that Act, and

(c) property held on trust by the debtor for any other person.

(2) The vesting of the debtor's estate in the trustee in the sequestration does not affect the right of hypothec of a landlord.

(3) Sections 78, 85 and 86 are without prejudice to the right of any secured creditor which is preferable to the rights of the trustee.