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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 9**

**The Bankruptcy and Debt Arrangement Scheme  
(Miscellaneous Amendment) (Scotland) Regulations 2023**

**Citation and commencement**

1. These Regulations may be cited as the Bankruptcy and Debt Arrangement Scheme (Miscellaneous Amendment) (Scotland) Regulations 2023 and come into force on 6 February 2023.

**Amendment of the Bankruptcy (Scotland) Act 2016**

2. In section 2(2)(b)(i) of the Bankruptcy (Scotland) Act 2016 (sequestration of estate of living debtor) for “£1,500 or such other” substitute “such”.

**Amendment of the Debt Arrangement Scheme (Scotland) Regulations 2011**

- 3.—(1) The Debt Arrangement Scheme (Scotland) Regulations 2011(1) are amended as follows.
- (2) In regulation 37 (grounds for variation)—
- (a) in paragraph (1)(h)(2)—
- (i) omit “specified in paragraph (3)”,
- (ii) after “more” insert “, and it is envisaged the disposable income will be reduced for the period of deferment”, and
- (b) omit paragraph (3).
- (3) In Form 4(3) of schedule 1 (application for variation of a debt payment programme) for section 3h (grounds for variation) substitute section 3h set out in the schedule of these Regulations.

**Amendment of the Bankruptcy Fees (Scotland) Regulations 2018**

- 4.—(1) The Bankruptcy Fees (Scotland) Regulations 2018(4) are amended as follows.
- (2) After regulation 7A(5) (exemption from fees for debtors in receipt of certain benefits), insert—

**“Exemption from bankruptcy application fees for debtors assessed as having no surplus income**

**7B.** Despite item 22 in Part 2 of the table of fees, no fee is payable to AiB under that item for the determination of a debtor application in relation to a debtor who, at the date of making the application, is assessed by the common financial tool(6) as having no surplus income.”.

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(1) [S.S.I. 2011/141](#).  
(2) Paragraph (1)(h) was amended by [S.S.I. 2013/225](#), [S.S.I. 2014/294](#) and [S.S.I. 2018/297](#).  
(3) Form 4 was relevantly amended by [S.S.I. 2018/297](#).  
(4) [S.S.I. 2018/127](#).  
(5) Regulation 7A was inserted by [S.S.I. 2021/148](#), regulation 9.  
(6) The “common financial tool” is defined in section 89 of the 2016 Act (see [S.S.I. 2016/397](#)).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (3) In Part 2 of the schedule (fees for other functions of the Accountant in Bankruptcy)—
- (a) in column 2 of item 1(b) for “£300” substitute “£750”,
  - (b) in column 3 of item 1(b) for “£200” substitute “£300”,
  - (c) for item 22 substitute—

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“22. For considering determination of a debtor application in relation £150”.  
to a debtor to whom section 2(2) of the Act does not apply

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(4) Paragraphs (2) and (3) have no effect in relation to sequestrations as regards which the petition was presented or the debtor application was made before 6 February 2023.

St Andrew’s House  
Edinburgh  
17th January 2023

*TOM ARTHUR*  
Authorised to sign by the Scottish Ministers