
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2010 No.

**The Protected Trust Deeds (Scotland)
Amendment Regulations 2010**

Amendment of the Protected Trust Deeds (Scotland) Regulations 2008

10. In regulation 19 (discharge of the debtor)—

(a) after paragraph (1), insert—

“(1A) Either of the following is not to be treated as a failure to meet the debtor’s obligations for the purpose of paragraph (1)(a):—

- (a) a refusal by the debtor to consent to the sale of the debtor’s dwellinghouse which is excluded from a trust deed in accordance with section 5(4A)(b) of the Act; or
- (b) a refusal to give a relevant consent in terms of section 40(1)(a) of the Act.”; and

(b) for paragraph (2), substitute—

“(2) A letter of discharge does not—

- (a) discharge the debtor from any liability arising after the date on which the trust deed was granted;
- (b) discharge the debtor from any liability for any debt which would be excluded from a discharge under section 55(2) of the Act;
- (c) discharge the debtor from any liability for any debt in respect of which a security is held where the secured creditor consented in terms of regulation 5A(c);
- (d) affect the rights of secured creditors.”.