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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2013 No.**

**The Protected Trust Deeds (Scotland) Regulations 2013**

**PART 1**

**GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Protected Trust Deeds (Scotland) Regulations 2013 and come into force on 28th November 2013.

**Interpretation**

2.—(1) In these Regulations—

“the Accountant” means the Accountant in Bankruptcy;

“the Act” means the Bankruptcy (Scotland) Act 1985;

“the 2008 Regulations” means the Protected Trust Deeds (Scotland) Regulations 2008(1);

“Common Financial Statement” means the style and format for income and expenditure categories under that title (and, where relevant, related spread sheets, budget sheets, trigger figures, guidance materials and notes) published by the Money Advice Trust(2);

“the EU Regulation” means Council Regulation (EC) No 1346/2000 of 29th May 2000 on insolvency proceedings(3);

“notified creditors” means all creditors to whom a trustee has sent documents in terms of regulation 10 (except for a secured creditor who has agreed not to claim in terms of regulation 6(c) in respect of excluding a dwellinghouse or part of a dwellinghouse);

“relevant period” means the period of 5 weeks beginning with the date of registration of the notice referred to in regulation 9;

“remuneration” means reasonable fees and outlays; and

“trust deed” means a trust deed that is intended to become a protected trust deed.

(2) A Form referred to by number in these Regulations means the Form so numbered in the Schedule.

**Protected status**

3.—(1) A trust deed has the status of a protected trust deed if—

(a) the conditions set out in regulations 4 to 10 are met; and

(b) it is registered under regulation 11(2) in the register of insolvencies.

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(1) S.S.I. 2008/143, amended by S.S.I. 2010/398.

(2) The Money Advice Trust is a company registered in England and Wales with registered number 4741583, registered charity in England and Wales registration number 1099506. Available at [www.cfs.moneyadvicetrust.org](http://www.cfs.moneyadvicetrust.org)

(3) OJ L 160, 30.6.2000, p.1.

(2) A trust deed has that status from the date on which it is so registered.