

SCHEDULE

Regulations 7(4) and 10(5)

Forms

Form 2A

Regulation 10(1)(d)(ii)

INCOME AND EXPENDITURE

The Protected Trust Deed (Scotland) Regulations 2013

Debtor's Name
AiB Reference Number:

Salary and wages

Income	Amount (£)	Frequency
Debtor's salary/wages		
Partner's salary/wages		

Total

Pensions

Pension(s)	Amount (£)	Frequency
State Pension(s)		
Private or work pension(s)		
Pension Credit		

Total

Other income

Other income	Amount (£)	Frequency
Maintenance or child support		
Boarders or lodgers		
Non-dependant contribution		
Student loans or grants		
(To be completed with any other household income)		

Total

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Common Financial Tool etc. (Scotland) Regulations 2014 No. 290

Benefits

Type of benefit	Amount (£)	Frequency
Jobseeker's Allowance		
Income Support		
Working Tax Credits		
Child Tax Credits		
Employment and Support Allowance		
DLA, PIP or Attendance Allowance		
Carer's Allowance		
Housing Benefit/Local Housing Allowance		
Council Tax Reduction		
Universal Credit		
(Other)		
(Other)		
(Other)		

Total

Please use the space provided below to give details of any benefit listed under "other"

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Expenditure

Essential expenditure	Amount	Frequency
Rent		
Ground rent, service charges, factor fees		
Mortgages		
Other Secured Loans		
Building and Content Insurance		
Pension and Life insurance		
Council Tax		
Gas		
Electricity		
TV Licence		
Magistrates or Sheriff Court Fines		
Maintenance or Child Support		
Hire Purchase/Conditional Sales		
Childcare Costs		
Adult Care Costs		

Total

Phone	Amount	Frequency
Home Phone		
Mobile Phone(s)		

Total

Travel	Amount	Frequency
Public Transport (work, school, shopping, etc)		
Car Insurance		
Vehicle Tax		
Fuel (Petrol, Diesel, Oil, etc)		
MOT and car maintenance		
Breakdown and Recovery		
Parking Charges or Tolls		

Total

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Housekeeping	Amount	Frequency
Food and Milk		
Cleaning and Toiletries		
Newspapers and Magazines		
Cigarettes Tobacco and Sweets		
Alcohol		
Laundry and dry cleaning		
Clothing and Footwear		
Nappies and baby items		
Pet Food		

Total

Other expenditure	Amount	Frequency
Health (dentist, glasses, prescriptions, health insurance)		
Repairs/house maintenance (including window cleaning, maintenance contracts)		
Hairdressing/haircuts		
Cable, Satellite and Internet		
TV, video and other appliance rental		
School meals and meals at work		
Pocket money and school trips		
Lottery and Pools etc.		
Hobbies/leisure/sport (include pub outings, etc.)		
Gifts (Christmas Birthday, Charity etc.)		
Vet Bills and Pet Insurance		

Total

All other expenses not covered above	Amount	Frequency

Total

Total Income
 Total Expenditure
 Surplus Income

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Statements:

I certify that this is a full disclosure of my Income and Expenditure:

Debtor Signature _____ Date

I confirm that in accordance with Regulation 11(1)(h) of the Protected Trust Deeds (Scotland) Regulations 2013 (as amended), I have assessed the debtor's contribution in accordance with Common Financial Tool (CFT) and the CFT has been used in this calculation.

I confirm that the Common Financial Statement (CFS) trigger figures have been used in this calculation and have not been exceeded. *

The Common Financial Statement (CFS) trigger figures have been exceeded in the following category/categories and the reason(s) are: *

* Delete as appropriate

I confirm that Common Financial Statement (CFS) allowances for dependant(s) and/or vehicle(s), that have been used in this calculation, have not to the best of my knowledge and belief, been replicated in any other income and expenditure assessment carried out in respect of a trust deed for any other individual.

Trustee Signature _____ Date

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FORM 3 Regulations 10(1)(e) and 11(1)(g)

PROTECTED TRUST DEED
TRUST DEED PROTECTION PROPOSAL AND TRUSTEE'S APPLICATION

The Protected Trust Deeds (Scotland) Regulations 2013

Part 1 – to be completed by the trustee and sent to all known creditors no later than 7 days after the publication of the notice of the trust deed in the Register of Insolvencies.

Part 2 – to be completed by the trustee and sent with a copy of Part 1, to the Accountant in Bankruptcy, no later than 4 weeks **after** the expiry of the 5 week period following the publication of a notice of this trust deed in the Register of Insolvencies

PART 1 (Regulation 10(1)(e))

TRUST DEED PROTECTION PROPOSAL

To creditors

Trust Deed granted

Date Trust Deed granted		Objection deadline date	
Date Trust Deed published in register of insolvencies			
Linked to another Trust Deed	YES/NO	Name of linked applicant	
Trustee's Name		Trustee's Company	
Trustee's address			

Debtor's Details

Full name of debtor			
Address inc. postcode			
Date of Birth		Marital Status	
Residential Status		Employment Status	
Occupation		Age(s) of Dependents	
Does debtor own property?	YES/NO	Amount of debtor's share of equity in property	£
Is property excluded from Trust Deed + [Form 1A] completed?			YES/NO

The estate of {insert debtor's name} has been conveyed to {insert name and address of trustee} for the benefit of creditors.

Trustee and Third Party fees

1	Trustee's fixed administration fee	£	See Note 1
2	Trustee's % fee for realisation of moveable asset(s)	%	
3	Trustee's % fee for realisation of heritage	%	
4	Trustee's % fee for realisation of contributions	%	
5	Third party fee(s)	£	See Note 2

I expect this trust deed to be completed by {insert date}

I expect the following realisation for the benefit of creditors.

		TOTAL	
A	Number of contributions		
B	Total value of Contributions	£	
C	Total realisations from moveable assets	£	
D	Total realisations from heritable assets (excluding any security)	£	
E	Gross realisation	£	B+C+D
F	Projected trustee's fee for realising assets and contributions	£	See Note 3
G	Total trustee's fee	£	1 + F
H	Outlays (including statutory fees)	£	
I	Total cost of administration	£	G+H+5
J	Net realisation	£	E-I
K	Debt due to preferred creditors	£	
L	Debt due to ordinary creditors	£	
M	Debt due to postponed creditors	£	
N	Total debt due to creditors	£	K+L+M
O	Dividend to ordinary creditors	p/£	(J-K)/L x 100

Note 1 – Insert the amount of the total fixed fee for the administration of the PTD to the date of expected completion.

Note 2 – details of any third party to be employed to complete work on behalf of the trustee, and details of work to be completed.

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Reason(s) for insolvency and any non-standard arrangements should be detailed here, including details and reasons for non-realisation of any assets.

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Note 3: Total of fees calculated using % figures recorded in Rows 2, 3 and 4.

This trust deed will become protected when the Accountant in Bankruptcy:

- has received all the required documents;
- is content that the conditions set out in regulations 4 to 10, of the Protected Trust Deeds (Scotland) Regulations 2013 have been met, and
- has registered the trust deed in the register of insolvencies.

Signed (trustee)

Name (trustee)

Date

Form 4

Regulation 21(2)

The Protected Trust Deeds (Scotland) Regulations 2013

TRUSTEE'S STATEMENT OF STATUS OF A PROTECTED TRUST DEED,

For year _____ (insert year number) of trust deed

**Statement to debtor, creditors and The Accountant in Bankruptcy
(see Note 1)**

AiB Reference Number:

Insert debtor's name
Insert debtor's address

Town
County
Post Code

On _____ (insert date) conveying *his/her estate to me

Insert insolvency practitioner's name
Insert business address

Town
County
Post Code

as trustee for the benefit of *his/her creditors generally

* delete as appropriate

I expect this trust deed will be completed by _____ (insert date).

Statement of performance of protected trust deed (PTD):

		Actual in Year	Total to date (Note 2)	Final Expected	
		Col 1	Col 2	Col 3	
A	Number of Contributions in-gathered				
B	Total realisation from contributions	£	£	£	
C	Total Realisation from moveable assets	£	£	£	
D	Total realisation from heritable assets	£	£	£	See Note 3
E	Total realisation from assets	£	£	£	C + D

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F	Bank interest	£	£	£	
G	Gross realisation	£	£	£	B + E + F
H	Trustee's remuneration taken (fixed administration fee)	£	£	£	See Note 4
I	Trustee's remuneration taken (% of assets and contributions realised)	£	£	£	See Note 5
J	Outlays (including statutory fees + third party fee)	£	£	£	
K	Total cost of administration	£	£	£	H + I + J
L	Net realisation	£	£	£	G - K
M	Debt due to preferred creditors				
N	Debt due to ordinary creditors	£	£	£	
O	Debt due to postponed creditors	£	£	£	
P	Total debt due	£	£	£	M + N + O
Q	Dividend paid to preferred creditors	p/£	p/£	p/£	
R	Dividend paid to ordinary creditors	p/£	p/£	p/£	Note 6

Statements:

** I state that an interim dividend has not been paid to creditors in Year __ (insert year number) for the following reason(s):

**I state that the expected final dividend is now: _____ (insert amount of new expected final dividend – Box P3) _ (p/£) and has varied from the dividend declared in my Form 3 statement dated _____ (insert date of signed Form 3 (Part 1)), for the following reason(s):

**I state that the expected final dividend is now _____ (insert amount of expected final dividend – Box P3) _ (p/£). This is less than 80% of the final dividend declared in my Form 3 statement dated _____ (insert date Form 3 (Part 1) signed).

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I have attached the reason(s) for this change and detailed all the options that I have, as trustee, for finalising this trust deed, with the expected timeframe and final dividend for each option and my recommended course of action (see Note 7).

Creditors are invited to approve my recommended course action

Unless I receive, within 21 days of the date of this form 4, notification in writing from a majority in number, or not less than one third in value of creditors, that they object to my recommended action, it will be assumed that creditors support the recommended action and I will proceed to complete the administration of this protected trust deed in accordance with my recommendation.

** delete if not appropriate

Signed _____ (trustee)

Name _____ (trustee)

Date _____

Notes

1. Form 4 must be sent to: the debtor; all creditors who have acceded to, or are deemed to have acceded to, the protection of this trust deed and to the Accountant in Bankruptcy, no later than 6 weeks after the expiry of each one year period following the granting of the trust deed.
2. Record totals of all Form 4s submitted to date.
3. The total realisation from assets must exclude the value of any security and realisation costs.
4. If the final expected 'fixed administration fee' has increased, a copy of the creditors', or the Accountant in Bankruptcy's, approval to increase this fee, must be submitted with the form 4.
5. This fee must be calculated using the % figures declared in form 3 (Rows 2, 3 and 4).
6. Record the actual amount of any interim dividend paid in the one year period, the total amount of Interim Dividends paid to date and the total expected final dividend to be paid at the end of the protected trust deed.
7. Interim Dividends must be paid in month 24 of the trust deed and every __ months thereafter, if sufficient funds are available.
8. This information must be provided with Form 4, to all creditors who have acceded to, or who are deemed to have acceded to, the protection of this trust deed.

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Form 6

Regulation 25(2)

APPLICATION TO CREDITORS FOR DISCHARGE OF THE TRUSTEE OF A PROTECTED TRUST DEED

The Protected Trust Deed (Scotland) Regulations 2013

AiB Reference Number:

Statement to creditors (see Note 1)

A trust deed was granted by

Insert debtor's name
Insert debtor's address

Town
County
Post Code

on _____ (insert date) conveying [(to the extent specified in section 5(4A) of the Bankruptcy (Scotland) Act 1985)] *his/her estate to

me, (*Insert insolvency practitioner's name*)
Insert business address

Town
County
Post Code

as trustee for the benefit of *his/her creditors generally

A sufficient proportion of the creditors acceded, or were treated as having acceded, to the protection of this trust deed and it was registered as a protected trust deed in the register of insolvencies on _____ (insert date)

Statement

The trustee states that

- the protected trust deed has ceased to be operative for the following reason(s)

- to the best of the trustee's knowledge the debtor has met *his/her Obligations under this trust deed.

The final distribution of the debtor's estate was completed on:

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A copy of the trustee's statement of realisation and distribution of the estate was sent to creditors on _____ (insert date) and is summarised below:

		Final Total	Expected (Form 3)	Variance (Col 1 - Col 2)	
A	Number of contributions in - gathered				
B	Total realisations from contributions	£	£	£	
C	Realisation from moveable assets	£	£	£	
D	Realisation from heritable assets	£	£	£	See Note 2
E	Total asset realisations	£	£	£	C + D
F	Total Bank interest	£			
G	Gross realisation	£	£	£	B + E + F
H	Trustee's remuneration taken (fixed administration fee)	£	£	£	See Note 3
I	Trustee's remuneration taken (% of assets and contributions realised)	£	£	£	See Note 4
J	Outlays (including statutory fees + Third Party fee paid)	£	£	£	
K	Total costs of administration	£	£	£	H + I + J
L	Net realisation	£	£	£	G - K
M	Debt due to preferred creditors	£	£	£	
N	Debt due to ordinary creditors	£	£	£	
O	Debt due to postponed creditors	£	£	£	
P	Total debts due	£	£	£	M + N + O
Q	Dividend paid to preferred creditors	p/£	p/£	p/£	
R	Dividend paid to ordinary creditors	p/£	p/£	p/£	$(L-M)/N \times 100$
S	Reversion to debtor	£			
T	Total funds consigned	£			

Statements

I state that the final dividend paid to creditors:

* is the same as the amount I expected to pay, as declared in the form 3 for this PTD.

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* has varied from the amount of dividend I expected to pay, as declared in my Form 3 for this PTD, for the following reason(s):

I have granted the debtor *his/her discharge from this protected trust deed and completed and issued Form 5. The debtor is now discharged from all *his/her debts which were owed to the creditors who acceded, or were treated as having acceded, to the protection of this trust deed, with effect from: {insert date of discharge registered in register of insolvencies}.

or

I will not grant the debtor *his/her discharge from this protected trust deed and their debts and I have notified the debtor in writing of the fact and reasons for this decision. The debtor is liable to pay the balance of all debts owed to creditors at the date I am discharged as trustee.

Application

The trustee hereby applies to the creditors for *his/her discharge from office. (See Note 5)

Signed _____ (trustee)

Name _____ (trustee)

Date _____

* delete as appropriate

Notes

1. This form must be sent to all creditors who acceded, or who are treated as having acceded, to the protected trust deed not more than 28 days after the date on which the trustee makes the final distribution of the debtor's estate and at the same time, a copy must be sent to the Accountant in Bankruptcy.
2. Total realisation from assets should exclude the value of any security and realisation costs.
3. If the final total 'fixed administration fee' exceeds the expected fixed administration fee (Form 3) a copy of the creditors', or the Accountant in Bankruptcy's, approval to increase this fee, must be submitted with the Form 6.
4. This fee must be calculated using the % figures declared in Form 3 (Rows 2, 3 and 4).
5. The trustee will be discharged from office if a majority in value of creditors agree to the application. A creditor who does not respond within 14 days from the date of this Form is deemed to have agreed to the trustee's discharge.

Form 7

Regulation 25(8)

TRUSTEE STATEMENT OF REALISATION AND DISTRIBUTION OF
ESTATE UNDER A PROTECTED TRUST DEED

The Protected Trust Deeds (Scotland) Regulations 2013

AIB Reference Number:

Statement (see Note 1)

A trust deed was granted by

Insert debtor's name
Insert debtor's address

Town
County
Post Code

on _____ (insert date) conveying [(to the extent specified in section 5(4A) of the
Bankruptcy (Scotland) Act 1985)] *his/her estate(s) to

me, (*Insert insolvency practitioner's name*)
Insert business address

Town
County
Post Code

as trustee for the benefit of *his/her creditors generally

Averment

I confirm that

1. the creditors consented to my discharge as trustee on _____ (insert date)
2. the debtor's estate has been distributed in accordance with the information provided in form 6,*

or

the following is a revised statement of my final realisation and distribution of the debtor's estate:*

* Delete as appropriate

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		Final Total	Expected (Form 3)	Variance (Col 1 – Col 2)	
A	Number of contributions in-gathered				
B	Total realisations from contributions	£	£	£	
C	Realisation from moveable assets	£	£	£	
D	Realisation from heritable assets (see note 3)	£	£	£	See Note 2
E	Total asset realisations	£	£	£	C + D
F	Total Bank interest	£			
G	Gross realisation	£	£	£	B + E + F
H	Trustee's remuneration taken (fixed administration fee)	£	£	£	See Note 3
I	Trustee's remuneration taken (% of assets and contributions realised)	£	£	£	See Note 4
J	Outlays (including statutory fees + Third Party fee paid)	£	£	£	
K	Total costs of administration	£	£	£	H + I + J
L	Net realisation	£	£	£	G – K
M	Debt due to preferred creditors	£	£	£	
N	Debt due to ordinary creditors	£	£	£	
O	Debt due to postponed creditors	£	£	£	
P	Dividend paid to ordinary creditors	p/£	p/£	p/£	(L-M)/N x 100
Q	Amount paid to preferred creditors	p/£	p/£	p/£	
R	Total debts due	£	£	£	
S	Reversion to debtor	£			
T	Total funds consigned	£			

I request that my discharge as trustee is registered in the register of insolvencies.

Signed _____ (trustee)

Name _____ (trustee)

Date _____

Notes

1. This form must be completed and sent to the Accountant in Bankruptcy within 28 days of the date on which the trustee has received his or her discharge from the creditors, regardless of whether any funds were distributed to the creditors.
2. Total realisation from assets should exclude the value of any security and realisation costs.
3. If the final total 'fixed administration fee' exceeds the fixed administration fee (set out in form 3) a copy of the creditors', or the Accountant in Bankruptcy's, approval to increase this fee, must be submitted with form 6.
4. This fee must be calculated using the % figures declared in form 3 (Rows 2, 3 and 4).