

This draft replaces the one laid on 21st August 2014 and is being issued free of charge to all known recipients of those draft Regulations.

Draft Regulations laid before the Scottish Parliament under section 72(2) and (3)(a)(ii), (iia), (iib), (iid) and (iii) of the Bankruptcy (Scotland) Act 1985, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

**INSOLVENCY
BANKRUPTCY
DEBT**

**The Bankruptcy (Money Advice and Deduction
from Income etc.) (Scotland) Regulations 2014**

Made - - - - 2014
Coming into force - - 1st April 2015

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 5A, 5B(5)(b), 5C(1)(d) and (2)(b), 32E(7), 39A(4)(a), 71C and 72(1A) of the Bankruptcy (Scotland) Act 1985(1), and all other powers enabling them to do so.

In accordance with section 72(2) and (3)(a)(ii), (iia), (iib), (iid) and (iii) of that Act(2), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

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- (1) 1985 c.66 (“the 1985 Act”). Section 5A was inserted by section 15(2) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) (“the 2007 Act”) and is prospectively repealed by schedule 4 to the Bankruptcy and Debt Advice (Scotland) Act 2014 (asp 11) (“the 2014 Act”). Section 5B(5) was inserted by section 9(2) of the Home Owner and Debtor Protection (Scotland) Act 2010 (asp 6) and amended by the 2014 Act, schedule 3, paragraph 5 and schedule 4. Section 5C was inserted by section 1(2) of the 2014 Act. Section 32E(7) was inserted by section 4 of the 2014 Act. Section 39A(4)(a) was inserted by section 19(2) of the 2007 Act. Section 71C was inserted by section 36 of the 2014 Act. Section 72(1A) was inserted by the 2014 Act, schedule 3, paragraph 34(a). Section 73(1) of the 1985 Act contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (2) Section 72(2) has been modified by paragraph 5(2) of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (“the 2010 Act”). The powers to make these Regulations are exercised together by virtue of section 33(2) of the 2010 Act.