

Draft Regulations laid before the Scottish Parliament under section 225(4)(a) of the Bankruptcy (Scotland) Act 2016 and section 62(4) of the Debt Arrangement and Attachment (Scotland) Act 2002, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.
INSOLVENCY
BANKRUPTCY
DEBT

The Bankruptcy (Scotland) Regulations 2016

Made - - - - 2016
Coming into force - - 30th November 2016

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 2(2)(a)(ii) and (f), 3(1), 4(1)(d) and (2)(b), 6(8), 8(3)(a), 9(4)(b), 19(1), 46(2)(a) and (6), 48(1)(a), 51(14), 54(4), 87(8), 89, 94(7), 113(5), 116(2), 117(1), 119(6)(a), 126(5), 129(10)(a), 137(2), 138(2), 140(2) 141(2)(a) and (c), 142(2) and (5), 200(1)(c) and (8), 221, 224(1), 225(2), 228(1), 234(3)(b) and paragraph 2(5)(a) of schedule 1 of the Bankruptcy (Scotland) Act 2016⁽¹⁾ (“the Act”), section 7(2)(bd) of the Debt Arrangement and Attachment (Scotland) Act 2002⁽²⁾ (“the 2002 Act”) and all other powers enabling them to do so.

In accordance with section 225(4)(a) of the Act and section 62(4) of the 2002 Act⁽³⁾, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

(1) 2016 asp 21 (“the Act”). Section 8(3)(a) is applied for the purposes of section 6, by section 6(9), of the Act. Section 228(1) of the Act contains definitions of “prescribed” and “statement of assets and liabilities” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) 2002 asp 17, as amended by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), sections 173, 209(1), 211 and 212 and schedule 4, paragraph 10, schedule 5, paragraph 30 and schedule 6, Part 1. Section 7(2)(bd) was inserted by the Bankruptcy and Debt Advice (Scotland) Act 2014 (asp 11) (“the 2014 Act”), section 3(2).

(3) Section 62(4) was amended by the 2014 Act, schedule 3, paragraph 38(b) and 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) and (3) of the 2010 Act.