
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

The Bankruptcy (Scotland) Regulations 2016

PART 1

Money advisers

Approved categories of money advisers

4. Subject to regulation 5, the following classes of persons are prescribed for the purposes of section 4(2)(b) of the Act as money advisers—

- (a) persons who—
 - (i) are qualified to act as insolvency practitioners in accordance with sections 390 of the Insolvency Act 1986⁽¹⁾ who are fully authorised, or partially authorised so to act in relation to individuals, within the meaning of 390A of that Act⁽²⁾; or
 - (ii) work for such an insolvency practitioner, who have been given authority by that insolvency practitioner to act on his or her behalf in providing money advice under the Act; and
- (b) persons who—
 - (i) work as money advisers for organisations which have been awarded accreditation at Type 2 level or above against the Scottish National Standards for Information and Advice Provision; or
 - (ii) are approved for the purposes of the Debt Arrangement Scheme⁽³⁾; or
 - (iii) work as money advisers for a citizens advice bureau which is a full member of the Scottish Association of Citizens Advice Bureaux – Citizens Advice Scotland; or
 - (iv) work as money advisers for a local authority.

(1) 1986 c.45. Section 390 was amended by the Adults with Incapacity (Scotland) Act 2000 (asp 4), schedule 5, paragraph 18; the Insolvency Act 2000 (c.39), schedule 4, paragraph 16(2); the Enterprise Act 2002 (c.22), schedule 21, paragraph 4; S.S.I. 2005/465, schedule 1, paragraph 18(3); the Mental Capacity Act 2005 (c.9), schedule 6, paragraph 31(3), schedule 7; the Tribunals, Courts and Enforcement Act 2007 (c.15), schedule 20, paragraph 6; S.I. 2009/1941, schedule 1, paragraph 78(4); the Deregulation Act 2015 (c.20) (“the 2015 Act”), section 17(2) and the Small Business, Enterprise and Employment Act 2015 (c.26), section 115.

(2) Section 390A was inserted by the 2015 Act, section 17(3).

(3) Under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17).