

Draft Regulations laid before the Scottish Parliament under section 72(2) of the Bankruptcy (Scotland) Act 1985 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.
INSOLVENCY
BANKRUPTCY
DEBT

The Protected Trust Deeds (Scotland)
Amendment 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 72(1A) and paragraph 5 of schedule 5 of the Bankruptcy (Scotland) Act 1985⁽¹⁾ and all other powers enabling them to do so.

In accordance with sections 72(2) 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”). The 1985 Act is repealed by the Bankruptcy (Scotland) Act 2016 ([asp 21](#); “the 2016 Act”), schedule 9, Part 1; by virtue of section 234(3)(a)(ii) and (b) of the 2016 Act the powers to make amendments under which these Regulations are made are not affected by that repeal in so far as they relate to the operation of the 1985 Act in relation to trust deeds executed before 30th November 2016. Section 72(1A) was inserted by the Bankruptcy and Debt Advice (Scotland) Act 2014 ([asp 11](#)), schedule 3, paragraph 34(a). Section 73(1) of the 1985 Act contains a definition of “prescribed” relevant to the 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 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)).