

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2017 No.**

**The Insolvency (Regulation (EU) 2015/848)  
(Miscellaneous Amendments) (Scotland) Regulations 2017**

**PART 2**

Amendments to secondary legislation

**Amendment of Bankruptcy Fees (Scotland) Regulations 2014**

- 5.—(1) The Bankruptcy Fees (Scotland) Regulations 2014<sup>(1)</sup> are amended as follows.
- (2) In regulation 2(1), after the definition of “member State liquidator” insert—
- ““member State insolvency practitioner” has the meaning given by section 228(1) of the Bankruptcy (Scotland) Act 2016<sup>(2)</sup>”.
- (3) In column 1 of item 21 of Part 2 of the Table of Fees in the schedule (fee for conversion of a trust deed into sequestration) after “liquidator” insert “or member State insolvency practitioner”.

**Amendment of Public Services Reform (Insolvency) (Scotland) Order 2016**

6. In the Public Services Reform (Insolvency) (Scotland) Order 2016<sup>(3)</sup>, in article 15(6)(b), after “Article 37 of Council Regulation (EC) No. 1346/2000 on insolvency proceedings” insert “or Article 51 of Regulation (EU) 2015/848 on insolvency proceedings”.

**Amendment of Bankruptcy (Scotland) Regulations 2016**

- 7.—(1) The Bankruptcy (Scotland) Regulations 2016<sup>(4)</sup> are amended as follows.
- (2) In schedule 1 (forms), in form 11 (statement of claim by creditor) note 4, for “liquidator” each time it occurs substitute “insolvency practitioner”.
- (3) In schedule 2 (register of insolvencies), section B (protected trust deeds for creditors)—
- (a) for “Council Regulation (EC) No 1346/2000” substitute “Regulation (EU) 2015/848<sup>(5)</sup>”;
- and
- (b) for “Council” each time it occurs substitute “EU”.

---

(1) S.S.I. 2014/227, as amended by S.S.I. 2015/80.

(2) 2016 asp 21 (“the 2016 Act”). That definition is inserted by regulation 4(21)(g) of these Regulations. The Bankruptcy Fees (Scotland) Regulations 2014 apply to sequestrations applied or petitioned for or trust deeds executed after 30th November 2016 by virtue of sections 234(3) and 235(1), (2) and (4) of the 2016 Act.

(3) S.S.I. 2016/141.

(4) S.S.I. 2016/397, amended by S.S.I. 2017/136.

(5) Regulation (EU) 2015/148 of the European Parliament and of the Council on insolvency proceedings, O.J. No. L 141, 5.6.2015, p.19.

### **Amendment of Bankruptcy (Applications and Decisions) (Scotland) Regulations 2016**

**8.—**(1) The Bankruptcy (Applications and Decisions) (Scotland) Regulations 2016~~(6)~~ are amended as follows.

(2) In regulation 17(3) (conversion of protected trust deed into bankruptcy), for “liquidator” substitute “insolvency practitioner”.

(3) In the schedule (forms)—

(a) in form 6 (Application for Conversion of a Protected Trust Deed into Bankruptcy)—

(i) for “Member State Liquidator” substitute “Member State Insolvency Practitioner”;  
and

(ii) for “Article 37 of the EC Regulation (conversion of earlier proceedings)”  
substitute “Article 51 of the EU Regulation (conversion of secondary insolvency proceedings)”; and

(b) in form 7 (Conversion of protected trust deed into bankruptcy: section 192 award), for “Member State Liquidator” substitute “Member State Insolvency Practitioner”.