
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

**The Insolvency (EU Exit) (Scotland)
(Amendment) Regulations 2019**

PART 2

Amendments to secondary legislation

Amendment of the Bankruptcy Fees (Scotland) Regulations 2018

- 5.—(1) The Bankruptcy Fees (Scotland) Regulations 2018(1) are amended as follows.
- (2) In regulation 2 omit the definition of “member State insolvency practitioner”.
- (3) In Part 2 of the Table of Fees in the schedule (fees for other functions of the Accountant in Bankruptcy) omit item 21 (fee for conversion of a trust deed into sequestration).

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

6. In the Public Services Reform (Insolvency) (Scotland) Order 2016(2) omit article 15(6)(b) and the word “or” immediately preceding it.

Amendment of the Bankruptcy (Scotland) Regulations 2016

- 7.—(1) The Bankruptcy (Scotland) Regulations 2016(3) are amended as follows.
- (2) In schedule 1 (forms), in form 11 (statement of claim by creditor) omit note 4 (particulars of each debt: claim by Member State liquidator).
- (3) In schedule 2 (register of insolvencies), section B (protected trust deeds for creditors)—
- (a) after “Regulation (EU) 2015/848” insert “(as it forms part of domestic law on and after exit day)”, and
- (b) omit from “unless the granter” to “within the meaning of the said EU Regulation”.

Amendment of the Bankruptcy (Applications and Decisions) (Scotland) Regulations 2016

- 8.—(1) The Bankruptcy (Applications and Decisions) Scotland Regulations 2016(4) are amended as follows.
- (2) Omit regulation 17 (conversion of protected trust deed into bankruptcy).
- (3) In the schedule, omit forms 6 (conversion of protected trust deed into bankruptcy: section 190 application) and 7 (conversion of protected trust deed into bankruptcy: section 192 award).

(1) [S.S.I. 2018/127](#). A relevant amendment has been made by [S.S.I. 2017/210](#).
(2) [S.S.I. 2016/141](#). A relevant amendment has been made by [S.S.I. 2017/210](#).
(3) [S.S.I. 2016/397](#). Relevant amendments have been made by [S.S.I. 2017/210](#).
(4) [S.S.I. 2016/295](#). Relevant amendments have been made by [S.S.I. 2017/210](#).

Saving

- 9.—(1) Nothing in these Regulations affects—
- (a) the application of Council Regulation (EC) 1346/2000⁽⁵⁾ to insolvency proceedings which fall within the scope of that Regulation and were opened before 26 June 2017, and
 - (b) the saving for the existing law in regulation 9 of the Insolvency (Regulation (EU) 2015/848) (Miscellaneous Amendments) (Scotland) Regulations 2017⁽⁶⁾.
- (2) The amendments made by regulations 2 to 8 do not apply to proceedings opened before exit day.
- (3) The time at which proceedings are opened is to be determined in accordance with Article 2(8) of Regulation (EU) 2015/848 of the European Parliament and of the Council on insolvency proceedings⁽⁷⁾.

⁽⁵⁾ OJ L 160, 30.06.2000, p.1 as last amended by Council Implementing Regulation (EU) 2016/1792 of 29 September 2016, OJ L 274, 11.10.2016, p.35.

⁽⁶⁾ [S.S.I. 2017/210](#).

⁽⁷⁾ OJ L 141, 5.06.2015, p.19 as last amended by Regulation (EU) 2017/353 of the European Parliament and of the Council of 15 February 2017 O.J. L 57, 3.3.2017 p.19.