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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2021 No.**

**The Bankruptcy (Miscellaneous  
Amendments) (Scotland) Regulations 2021**

**PART 4**

Amendment of the 2018 Regulations

**Fees for debtor applications**

**9.**—(1) The 2018 Regulations are amended as follows.

(2) After regulation 7 (other fees), insert—

*“Exemption from bankruptcy application fees for debtors in receipt of certain benefits*

**7A.** Despite item 22 in Part 2 of the table of fees, no fee is payable to AiB under that item for the determination of a debtor application—

- (a) in relation to a debtor who, at the date of making the application, is in receipt of one or more of the following payments—
  - (i) universal credit under Part 1 of the Welfare Reform Act 2012(1),
  - (ii) another income-related benefit within the meaning given by section 191 of the Social Security Administration Act 1992(2),
  - (iii) jobseeker’s allowance under the Jobseekers Act 1995(3),
  - (iv) state pension credit under the State Pension Credit Act 2002(4),
  - (v) child tax credit under the Tax Credits Act 2002(5), or
  - (vi) employment and support allowance under Part 1 of the Welfare Reform Act 2007(6),
- (b) in relation to a debtor who, at the date of making the application, is in receipt of working tax credit, provided that—
  - (i) child tax credit is being paid to the debtor, or otherwise following a claim for child tax credit made jointly by members of a couple (as defined in section 3(5A) of the Tax Credits Act 2002(7)) which includes the debtor, or

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(1) 2012 c.5.

(2) 1992 c.5; section 191 was relevantly amended by schedule 9 para 25(c) of the Local Government Finance Act 1992 (c.14) and schedule 6 paragraph 1 of the Tax Credits Act 2002 (c.21).

(3) 1995 c.18.

(4) 2002 c.16.

(5) 2002 c.21.

(6) 2007 c.5.

(7) 2002 c.21. Part 1 of the Tax Credits Act 2002 (“2002 Act”) was repealed by schedule 14, paragraph 1 of the Welfare Reform Act 2012 (c.5). The 2002 Act is subject to saving provisions in S.I. 2019/167. Section 3(5A) of the 2002 Act was substituted by S.I. 2019/1458.

(ii) there is a disability element or severe disability element (or both) to the tax credit received by the debtor,

and that the gross annual income taken into account for the calculation of the working tax credit is £18,000 or less, or

(c) in relation to a debtor who, within the period of 3 months prior to the date of making the application, received financial or other assistance under the Welfare Funds (Scotland) Act 2015<sup>(8)</sup>.

(3) In Part 2 of the schedule (fees for other functions of the Accountant in Bankruptcy), column 2 of item 22 is amended as follows—

(a) in paragraph (a), for “£90.00” substitute “£50.00”,

(b) in paragraph (b), for “£200.00” substitute “£150.00”.

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(8) 2015 asp 5.