
DRAFT SCOTTISH STATUTORY INSTRUMENTS

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

(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 Part 1 of the Tax Credits Act 2002 (“2002 Act”) was repealed by schedule 14, paragraph 1 of the Welfare Reform Act 2012 (c.5).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.

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⁽⁸⁾.

(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”.

⁽⁸⁾ 2015 asp 5.