
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

**The Bankruptcy and Debt Arrangement Scheme
(Miscellaneous Amendment) (Scotland) Regulations 2023**

Citation and commencement

1. These Regulations may be cited as the Bankruptcy and Debt Arrangement Scheme (Miscellaneous Amendment) (Scotland) Regulations 2023 and come into force on 6 February 2023.

Amendment of the Bankruptcy (Scotland) Act 2016

2. In section 2(2)(b)(i) of the Bankruptcy (Scotland) Act 2016 (sequestration of estate of living debtor) for “£1,500 or such other” substitute “such”.

Amendment of the Debt Arrangement Scheme (Scotland) Regulations 2011

3.—(1) The Debt Arrangement Scheme (Scotland) Regulations 2011(1) are amended as follows.

(2) In regulation 37 (grounds for variation)—

(a) in paragraph (1)(h)(2)—

(i) omit “specified in paragraph (3)”,

(ii) after “more” insert “, and it is envisaged the disposable income will be reduced for the period of deferment”, and

(b) omit paragraph (3).

(3) In Form 4(3) of schedule 1 (application for variation of a debt payment programme) for section 3h (grounds for variation) substitute section 3h set out in the schedule of these Regulations.

Amendment of the Bankruptcy Fees (Scotland) Regulations 2018

4.—(1) The Bankruptcy Fees (Scotland) Regulations 2018(4) are amended as follows.

(2) After regulation 7A(5) (exemption from fees for debtors in receipt of certain benefits), insert—

“Exemption from bankruptcy application fees for debtors assessed as having no surplus income

7B. 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 in relation to a debtor who, at the date of making the application, is assessed by the common financial tool(6) as having no surplus income.”.

(1) [S.S.I. 2011/141](#).

(2) Paragraph (1)(h) was amended by [S.S.I. 2013/225](#), [S.S.I. 2014/294](#) and [S.S.I. 2018/297](#).

(3) Form 4 was relevantly amended by [S.S.I. 2018/297](#).

(4) [S.S.I. 2018/127](#).

(5) Regulation 7A was inserted by [S.S.I. 2021/148](#), regulation 9.

(6) The “common financial tool” is defined in section 89 of the 2016 Act (see [S.S.I. 2016/397](#)).

- (3) In Part 2 of the schedule (fees for other functions of the Accountant in Bankruptcy)—
- (a) in column 2 of item 1(b) for “£300” substitute “£750”,
 - (b) in column 3 of item 1(b) for “£200” substitute “£300”,
 - (c) for item 22 substitute—

“22. For considering determination of a debtor application in relation £150”.
to a debtor to whom section 2(2) of the Act does not apply

(4) Paragraphs (2) and (3) have no effect in relation to sequestrations as regards which the petition was presented or the debtor application was made before 6 February 2023.

St Andrew’s House
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers