
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 397

**The Bankruptcy (Certificate for
Sequestration) (Scotland) Regulations 2010**

Authorised persons

3.—(1) The following are classes of persons prescribed for the purposes of section 5B(5)(a) of the Act as persons authorised to grant a certificate for sequestration—

- (a) persons who—
 - (i) are qualified to act as insolvency practitioners in accordance with section 390 of the 1986 Act⁽¹⁾; or
 - (ii) work for an insolvency practitioner as defined in regulation 3(1)(a)(i), who have been given authority by that insolvency practitioner to act on behalf of that insolvency practitioner in the granting of a certificate for sequestration; and
- (b) persons who—
 - (i) work as money advisers for organisations which have been awarded accreditation at Type 2 level or above against the Scottish National Standards for Information and Advice Provision; or
 - (ii) are approved for the purposes of the Debt Arrangement Scheme; or
 - (iii) work as money advisers for a citizens advice bureau which is a full member of the Scottish Association of Citizens Advice Bureaux – Citizens Advice Scotland; or
 - (iv) work as money advisers for councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39).

(2) An authorised person for the purposes of section 5B(5)(a) of the Act shall not be an associate of the debtor in accordance with section 74 of the Act⁽²⁾.

(1) 1986 c.45. Section 390 was amended by the Adults with Incapacity (Scotland) Act 2000 (asp 4), section 88(2), Schedule 5, paragraph 18; the Insolvency Act 2000 (c.39), section 8, Schedule 4, part 11, paragraph 16(2); the Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005, S.S.I. 2005/465, article 2, Schedule 1, paragraph 18(3); the Mental Capacity Act 2005 (c.9), section 67(1), (2), Schedule 6, paragraph 31(3), Schedule 7; and the Tribunals, Courts and Enforcement Act 2007 (c.15), section 108(3), Schedule 20, paragraph 6.

(2) 1985 c.66. Section 74 was amended by the Civil Partnership Act 2004 (c.33), section 261(2), Schedule 28, paragraph 40; the Bankruptcy (Scotland) Regulations 2008 (S.S.I. 2008/82), regulation 8 and the Occupational Pension Schemes (Investment) Regulations 1996, S.I. 1996/3127, regulation 3(2).