
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 94

**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.