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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 148**

**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<sup>(1)</sup>,
  - (ii) another income-related benefit within the meaning given by section 191 of the Social Security Administration Act 1992<sup>(2)</sup>,
  - (iii) jobseeker’s allowance under the Jobseekers Act 1995<sup>(3)</sup>,
  - (iv) state pension credit under the State Pension Credit Act 2002<sup>(4)</sup>,
  - (v) child tax credit under the Tax Credits Act 2002<sup>(5)</sup>, or
  - (vi) employment and support allowance under Part 1 of the Welfare Reform Act 2007<sup>(6)</sup>,
- (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<sup>(7)</sup>) 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,

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 Part 1 of the Tax Credits Act 2002 (“2002 Act”) was repealed by schedule 14, paragraph 1 of the Welfare Reform Act 2012 (c.5).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

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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”.