
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 9

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

Amendment of the Bankruptcy Fees (Scotland) Regulations 2018

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

(2) After regulation 7A⁽²⁾ (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⁽³⁾ as having no surplus income.”.

- (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.

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

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

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