

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is made under section 104, and other sections, of the Scotland Act 1998 (“the 1998 Act”) and makes provision in consequence of the Bankruptcy (Scotland) Act 2016 ([asp 21](#)) (“the 2016 Act”).

The 2016 Act is a consolidation of the law of Scotland relating to Bankruptcy. It contains some provisions which, but for paragraph 7 of Schedule 4 to the 1998 Act, would be outside the legislative competence of the Scottish Parliament. (By virtue of that paragraph an Act of the Scottish Parliament may restate the law even where the subject matter is a reserved matter).

But some provisions of the legislation consolidated require not merely to be restated in Scots law but to be law in other parts of the United Kingdom. The primary purpose of this Order is to make such provision as is needed to meet that requirement.

Article 3 of the Order relates to the examination, in certain Scottish Bankruptcy proceedings, of a person residing in a part of the United Kingdom other than Scotland.

Article 4 of the Order makes for other parts of the United Kingdom the same provision in relation to the effect of a debtor’s discharge as is made for Scotland by section 145 of the 2016 Act.

Article 5 of the Order relates to the exercise of powers of the Secretary of State to make regulations as regards certain matters relating to pensions and as to fees and outlays payable to the Accountant in Bankruptcy in respect of the exercise of any of that officer’s functions under the Insolvency Act 1986.

Article 6 of the Order makes for other parts of the United Kingdom the same provision in relation to the limitation of actions as is made for Scotland by sections 13(5), 14(5), 46(8) and 125(3) of, and paragraph 4 of schedule 4 to, the 2016 Act.

Article 7 of the Order provides for the consequential modification of enactments and for certain consequential repeals and revocations.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.