
STATUTORY INSTRUMENTS

1986 No. 1913 (C. 68) (S. 137)**INSOLVENCY****BANKRUPTCY, SCOTLAND****The Bankruptcy (Scotland) Act 1985 (Commencement No.2)
Order 1986**

Made - - - - 10th November 1986

The Secretary of State, in exercise of the powers conferred on him by section 78(2) and (3) of the Bankruptcy (Scotland) Act 1985^(a) and of all other powers enabling him in that behalf, hereby makes the following order:-

Citation and Interpretation

1. This order may be cited as the Bankruptcy (Scotland) Act 1985 (Commencement No.2) Order 1986.

2. In this order “the Act” means the Bankruptcy (Scotland) Act 1985.

Commencement

3. The provisions of the Act specified in the Schedule to this order shall come into force on 29th December 1986.

Michael Howard,
Parliamentary Under Secretary of State.

Department of Trade and Industry,
1 Victoria Street,
London.
10th November 1986.

(a) 1985 c.66.

SCHEDULE

Article 3

PART I

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 29TH
DECEMBER 1986

<i>Provisions of the Act</i>	<i>Nature of the provision</i>
Section 51(2).	Definition of preferred debt.
In section 73(1), the definition of "preferred debt".	Interpretation.
Schedule 3.	Preferred debts.
In Schedule 7, paragraphs 13 and 14(3).	Consequential amendments.
In Schedule 8, the repeals listed in Part II below.	Repeals.

PART II

REPEALS WHICH COME INTO FORCE IN ACCORDANCE WITH
ARTICLE 3

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
3 & 4 Geo.5 c.20.	The Bankruptcy (Scotland) Act 1913.	Section 118.
10 & 11 Geo.6 c.47.	The Companies Act 1947.	Sections 91 and 115.
15 & 16 Geo.6 & 1 Eliz. 2 c.33.	The Finance Act 1952.	In section 30, subsections (4) and (6).
1965 c.25.	The Finance Act 1965.	In Schedule 10, paragraph 15(1).
1970 c.10.	The Income and Corporation Taxes Act 1970.	In Part II of Schedule 15, the entry relating to the Finance Act 1952.
1974 c.46.	The Friendly Societies Act 1974.	In section 59, in subsection (1)(a) the words "or bankruptcy", in subsection (2) the words "or trustee in bankruptcy" and subsections (3) and (4).
1975 c.14.	The Social Security Act 1975.	In Schedule 18, paragraph 1(1)(b) and (2)(b).
1975 c.18.	The Social Security (Consequential Provisions) Act 1975.	In Schedule 2, paragraph 1.
1975 c.45.	The Finance (No.2) Act 1975.	In section 71(6), the words "section 30 of the Finance Act 1952".
1975 c.60.	The Social Security Pensions Act 1975.	In Schedule 4, paragraph 1.
1976 c.24.	The Development Land Tax Act 1976.	In section 42, subsection (1), so far as it relates to bankruptcy in Scotland; and subsection (4)(a).
1978 c.44.	The Employment Protection (Consolidation) Act 1978.	Section 121(1)(b).
1981 c.63.	The Betting and Gaming Duties Act 1981.	In section 30, subsections (1) and (2).
1983 c.53.	The Car Tax Act 1983.	In Schedule 1, paragraph 4.
1983 c.55.	The Value Added Tax Act 1983.	In Schedule 7, paragraph 12.
1985 c.17.	The Reserve Forces (Safeguard of Employment) Act 1985.	In section 13, the word "-(a)"; the words from "or, (b)" to "estate."; the word "-(i)"; and the words from "or, (ii)" to "1913,".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order brings into force on 29th December 1986, those provisions of the Bankruptcy (Scotland) Act 1985 (c.66) specified in the Schedule to the order and which were not brought into force by the Bankruptcy (Scotland) Act 1985 (Commencement) Order 1985 (S.I. 1985/1924) as amended by the Bankruptcy (Scotland) Act 1985 (Commencement) (Amendment) Order 1986 (S.I. 1986/78).

The provisions brought into force by this order are:-

- (a) those provisions of the Act which relate to preferred debts, including the preferred debts due to the Crown; and
- (b) amendments and repeals of other enactments which are consequential upon the provisions for preferred debts.

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This Note is not part of the Order.)

The provisions of the Act were brought into force on 1st April 1986 by S.I. 1985/1924 as amended by S.I. 1986/78, with the exception of the provisions of the Act commenced by this order and those which are specified below namely:-

- (a) Section 78 of the Act which came into force on 30th October 1985, the date of enactment; and
- (b) Sections 1(1)(b), (2) and (6), 2(2), (3) and (4), 72, 73 (except the definition of "preferred debt" in section 73(1)), and 76 which came into force on 1st February 1986 by virtue of S.I. 1985/1924.

SI 1986/1913
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