

## SCHEDULE 1

### Modification of enactments

## PART 1

### Primary legislation

#### Proceeds of Crime Act 2002

**25.**—(1) The Proceeds of Crime Act 2002<sup>(1)</sup> is amended as follows.

(2) In section 84(2)(d) (property: general provisions), for the words from “, permanent” to the end substitute “or liquidator or in the trustee or interim trustee in the sequestration, under the Bankruptcy (Scotland) Act 2016), of his estate;”.

(3) In section 95(3) (available amount), in the definition of “preferred debt”, for “51(2) of the Bankruptcy (Scotland) Act 1985 (c.66)” substitute “129(2) of the Bankruptcy (Scotland) Act 2016”.

(4) In section 150(2)(d) (property: general provisions)—

(a) omit the words from “permanent” to “(c.66)),”; and

(b) at the end insert “or in the trustee or interim trustee in the sequestration, under the Bankruptcy (Scotland) Act 2016), of his estate”.

(5) In section 232(2)(d) (property: general provisions), for the words from “, permanent” to the end substitute “or liquidator or in the trustee or interim trustee in the sequestration, under the Bankruptcy (Scotland) Act 2016), of his estate;”.

(6) In section 311 (insolvency)—

(a) in subsection (3)—

(i) in paragraph (c), for the words from “section 2” to “Order” substitute “section 286 of the 1986 Act, Article 259 of the 1989 Order or section 54 of the 2016 Act”; and

(ii) in paragraph (f), for “1985” substitute “2016”,

(b) in subsection (7)—

(i) omit paragraph (a);

(ii) after paragraph (c) insert—

“(d) the 2016 Act means the Bankruptcy (Scotland) Act 2016”; and

(iii) for “(a) to (c)” substitute “(b) to (d)” ; and

(c) in subsection (8)(a), for the words from “1985” to “1985” substitute “2016 Act is the applicable enactment, any property comprised in an estate to which that”.

(7) In section 420 (modifications of the Bankruptcy (Scotland) Act 1985)—

(a) in subsection (2), for “1985”(2) substitute “2016”;

(b) in subsection (4), for—

(i) “permanent trustee” substitute “trustee in the sequestration”; and

(ii) “48 of the 1985” substitute “122 of the 2016”; and

(c) in subsection (5), for “2(5) of the 1985” substitute “54(1) of the 2016”.

(8) The title of section 420 becomes “Modifications of the 2016 Act”.

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(1) 2002 c.29.

(2) Section 420(2) was substituted by the Policing and Crime Act 2009 (c.26), Schedule 7, paragraph 82.

**Changes to legislation:** There are currently no known outstanding effects for the The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016, Paragraph 25. (See end of Document for details)

- (9) In section 421 (restriction of powers)—
- (a) in subsection (3)(a), for “31(8) of the 1985” substitute “79 of the 2016”;
  - (b) in subsection (3)(b) for—
    - (i) “32(2)” substitute “90 or 95”; and
    - (ii) “permanent trustee” substitute “trustee in the sequestration”;
  - (c) in subsection (3)(c), for—
    - (i) “31(10) or 32(6)” substitute “79(4) or 86(4) and (5)”; and
    - (ii) “permanent trustee” substitute “trustee in the sequestration”;
  - (d) in subsection (4), for “1985” substitute “2016”; and
  - (e) omit subsections (5) and (6).
- (10) In section 422 (tainted gifts), in each of subsections (2) and (3), for “34 or 36 of the 1985” substitute “98 or 99 of the 2016”.
- (11) In section 432(4) (insolvency practitioners)—
- (a) omit “the 1985 Act,”; and
  - (b) after “1989 Order” insert “, the 2016 Act”.
- (12) In section 434 (interpretation)—
- (a) in subsection (1)—
    - (i) omit paragraphs (a) and (c); and
    - (ii) after paragraph (e) insert—
      - “(f) the 2016 Act is the Bankruptcy (Scotland) Act 2016;”, and
  - (b) in subsection (2), for “12(4) of the 1985” substitute “22(7) of the 2016”.
- (13) In paragraph 3 of Schedule 3 (administrators: further provision), in sub-paragraph (10), for “74 of the Bankruptcy (Scotland) Act 1985 (c.66)” substitute “229 of the Bankruptcy (Scotland) Act 2016”.

#### Commencement Information

**II** Sch. 1 para. 25 in force at 30.11.2016, see art. 1

**Changes to legislation:**

There are currently no known outstanding effects for the The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016, Paragraph 25.