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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 173 (C. 14)**

**INSOLVENCY  
BANKRUPTCY**

**The Bankruptcy and Diligence etc. (Scotland) Act 2007  
(Commencement No. 9 and Savings Amendment) Order 2014**

<i>Made</i>	- - - -	<i>16th June 2014</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>18th June 2014</i>
<i>Coming into force</i>	- -	<i>4th October 2014</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 224(2) and 227(3) and (4) of the Bankruptcy and Diligence etc. (Scotland) Act 2007<sup>(1)</sup>.

**Citation and commencement**

1. (1) This Order may be cited as the Bankruptcy and Diligence etc. (Scotland) Act 2007 (Commencement No. 9 and Savings Amendment) Order 2014.

(2) It comes into force on 4th October 2014.

**Appointed day – debt limit for debtor applications for sequestration**

2. 1st April 2015 is the day appointed for the coming into force of the following provisions in section 25 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (debt limits for sequestration)—

- (a) paragraph (a) for all remaining purposes; and
- (b) paragraph (b) insofar as it applies to debtor applications.

**Amendment of savings – residence requirements for sequestration and trust deeds**

3. (1) The Bankruptcy and Diligence etc. (Scotland) Act 2007 (Commencement No. 3, Savings and Transitionals) Order 2008<sup>(2)</sup> is amended as follows.

(2) In article 5 (sequestration petitions presented before 1st April 2008)—

- (a) in paragraph (1), after “Order” insert “, except for section 7 of the Act,”; and

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(1) 2007 asp 3.

(2) S.S.I. 2008/115, amended by S.S.I. 2011/31.

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- (b) in paragraph (2), after “The 1985 Act” insert “, except for sections 2(3)(a) and 24(2)(d)”.
- (3) At the end of article 6 (trust deeds granted before 1st April 2008) insert—
- “(3) This article does not save any residence requirement to be repealed by section 7 or 20 of the Act.”.

St Andrew’s House, Edinburgh  
16th June 2014

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

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

This Order brings into force provisions of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (“the Act”) and amends savings arrangements.

Section 25 of the Act, so far as not already in force, is brought into force on 1st April 2015 to increase the debt limit for debtor applications for sequestration to £3,000.

Article 3 amends, from 4th October 2014, savings arrangements for the Act to clarify the abolition of the requirement to be resident in Scotland for replacement trustees for sequestrations petitioned for before 1st April 2008. It makes similar provision for the equivalent statutory requirement for trustees acting under trust deeds for the benefit of creditors granted before 1st April 2008. Those residence requirements in sections 2(3)(a) and 24(2)(d) of, and paragraph 5(a) of Schedule 5 to, the Bankruptcy (Scotland) Act 1985 (c.66) were abolished by sections 7 and 20 of the Act respectively, subject to the savings amended by this Order.

The Act received Royal Assent on 15th January 2007. Sections 224, 225 and 227 of the Act came into force on Royal Assent and section 222 came into force on the day after Royal Assent.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
s.211	8th March 2007	2007/82
s.212(1), (2) to (6) (partially)		
s.221		
s.223		
s.36 (partially)	31st March 2007	2007/82
s.212(1), (8) to (16) (partially)		
sch. 1, para. 42(a)		
sch. 5, para. 30(1), (5) to (8)(a), (10), (11)(a)(ii) and (b) and (15) (partially)		
s.20	19th February 2007	2008/45
s.35		
ss.1 to 17	1st April 2008	2008/115
s.18(1) to (4)		
ss.19 and 20		
ss.22 to 24		
s.25(a)		
s.25(b) (partially)		

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
s.36 (partially)		
s.169 (partially)		
ss.170 and 171		
s.173		
ss.199 to 205		
s.206 (partially)		
s.208		
ss.209 and 210		
sch.1, paras. 1 to 40		
sch.1, para. 41(b)		
sch.1, paras. 42 and 43		
sch.1, para. 44(partially)		
sch.1, paras. 45 to 62		
sch.5, para. 10 (partially)		
sch.5, para. 12		
sch.5, para. 13 (partially)		
sch.5, para. 16 (partially)		
sch.5, para. 26 (partially)		
sch.5, para. 30 (partially)		
sch.6, Part 1 (partially)		
sch.6, Part 2		
ss.21(3), (4) and (7), 25(a), 37(7) and (8), 50(4) and (5), 58(5)(c), 61(1), (2) and (3), 63(1) and (2), 75(7), 81(7), 83(1)(a) and (3)(b), 88(3) (a), 91(2), (3)(b), (4)(a), (4)(c)(vi), (5)(f) and (7), 96(5), 97(7), 98(6), 106(2) and (4), 108(2) and (8), 111(2)(b), 113(2)(a), 114(4), 117(2), (7)(b) and (8)(a), 120(5), 123(2)(a) and (5), 124(2), 128(3), 129, 130(2)(a), 133(2)(a), 135(2)(a) and (d)(ii), 140(2)(a) and (5), 143(5), 145(2), 146(9), 148(3), 149, 162, 164(1) and (2), 175(3), 176(1)(c), 179(2)(a)(i), 182(2)(a), 183(3)(a) and (7)(a), 185(4), 188(4)(a), 189(3) (a), 196(2), 198(2), 206, 214(4), 215, 216(6), 217(1)(c), 220, sch.2, para. 22, sch. 3, para. 4, sch. 5, para. 13(3)(f) and (g), sch.5, para. 30(4) (for the purposes of making regulations or orders)		
ss.146 to 164	22nd April 2009	2009/98
s.165(1), (3) and (4)		

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
s.166 to 168		
s.169 (partially)		
s.206 (partially)		
sch.5, para. 5		
sch.5, para. 7 (partially)		
sch.5, para. 13 (partially)		
sch.5, para. 16 (partially)		
sch.5, para. 18 (partially)		
sch.5, para. 22 (partially)		
sch.5, para. 29 (partially)		
sch.5, para. 30 (partially)		
ss. 174 to 198	23rd November 2009	<a href="#">2009/369</a>
s.226(1) (partially)		
sch 3		
sch 5, para. 1 to 2		
sch 5, para. 4 (partially)		
sch 5, para. 6(1) and (2) (partially)		
sch 5, para. 8 to 9		
sch 5, para. 10 (partially)		
sch 5, para. 13(1) and (3)(c)(i) and (d)(i), (iii) and (iv) (partially)		
sch 5, para. 15		
sch 5, para. 16(1), (2)(a) and (4) (partially)		
sch 5, para. 16(7)(a)(iii)		
sch 5, para. 16(8)(a) and (11)(2) and (b) (partially)		
sch 5, para. 17		
sch 5, para. 19 to 20		
sch 5, para. 23 to 24		
sch 5, para. 26(1) (partially)		
sch 5, para. 26(2)		
sch 5, para. 26(3) (partially)		
sch 5, para. 30(1) (partially)		
sch 5, para. 30(3)		
sch 5, para. 32	1st July 2010	<a href="#">2010/249</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
s.213		
sch.4		
ss.51(2), (3)(b), (4) and (5), 53, 61(1) to (3)	31st January 2011	<a href="#">2011/31</a>
s.63(1) and (2) (partially)		
ss.66, 75, 77 and 78		
s.226(1) (partially)		
sch 5, para. 7(2)(c)		
s.62	1st April 2011	<a href="#">2011/31</a>
s.63(1) and (2) (partially) and (3)		
ss.64 and 65		
ss 214 to 219	4th April 2011	<a href="#">2011/179</a>
sch 5, para 6(3)		
sch 6, Part 1 (partially)		
s 226(1) and (2) (partially)		

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