

Bankruptcy and Diligence (Scotland) Bill

Supplement to the Marshalled List of Amendments for Stage 2

Amendment 18A was lodged as a manuscript amendment under Rule 9.10.6. The Convener has decided under that rule to allow the amendment to be moved at the Stage 2 amendment proceedings of the Economy and Fair Work Committee on 20 March 2024.

Amendment 18A will be debated in the first group: mental health moratorium and will be called immediately after amendment 18 (on page 1 of the Marshalled List) and before amendment 19 (on page 2). For ease of reference please also find below amendment 18.

Section 1

Paul O'Kane

18 In section 1, page 1, leave out lines 5 to 9 and insert—

<(1) A moratorium on debt recovery action by creditors against individuals who are receiving mental health crisis treatment is established.

(1A) An individual is receiving mental health crisis treatment when the debtor—

- 5
- (a) has been detained in hospital for assessment or treatment of mental illness,
 - (b) has been removed to a place of safety by a police officer for reasons related to mental health,
 - (c) is receiving any other crisis, emergency or acute care or treatment in hospital or in the community from a specialist mental health service.

10 (1B) Any of the following persons may submit an application to the Accountant in Bankruptcy for a mental health crisis moratorium in relation to a debtor—

- 15
- (a) the debtor,
 - (b) the debtor's carer,
 - (c) an approved mental health professional,
 - (d) a social worker.

(1C) The application must include the following information—

- (a) sufficient information to identify the debtor, and
- (b) evidence from an approved mental health professional that the debtor is receiving mental health crisis treatment.

20 (1D) The time period for which the moratorium applies—

- (a) starts on the day following the day on which the Accountant in Bankruptcy approves an application under subsection (1B), and

(b) ends on the day that is 30 days after the day on which the debtor stops receiving mental health crisis treatment.

25 (1E) The Scottish Ministers may by regulations make further provision about a mental health moratorium which may (among other things) include provision about—>

Paul O'Kane

18A* As an amendment to amendment 18, line 23, leave out <30> and insert <180>

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