Bankruptcy (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

**Conjunctions**
1, 8, 9, 13, 45, 48, 49, 70, 71

**Minor and technical: Parts 1 to 4**
2, 7, 19, 22

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3, 72

**Abbreviations**
4, 5, 6, 10, 11, 12, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 61, 62, 63, 64, 65, 66, 67, 68

**Forthwith**
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51, 53, 54, 55, 56

**Minor and technical: Parts 15 to 18**
57, 58, 59, 60, 69, 73, 75, 76, 77

**Commencement**
74, 78
Amendments in debating order

Conjunctions

Fergus Ewing
1 In schedule 1, page 166, line 19, leave out <or>

Fergus Ewing
8 In section 13, page 8, leave out lines 30 to 34

Fergus Ewing
9 In section 13, page 9, line 2, at end insert <, or>
   ( ) at any time by—
   (i) a person entitled to be appointed as executor of the estate,
   (ii) a trustee acting under a trust deed,
   (iii) a temporary administrator, or
   (iv) a member State liquidator appointed in main proceedings.>

Fergus Ewing
13 In section 22, page 17, line 25, leave out <and> and insert <or>

Fergus Ewing
45 In section 89, page 63, line 27, leave out <or>

Fergus Ewing
48 In section 103, page 75, line 8, leave out <or>

Fergus Ewing
49 In section 106, page 78, line 27, leave out <or>

Fergus Ewing
70 In section 223, page 154, line 32, leave out second <or>

Fergus Ewing
71 In section 224, page 155, line 19, leave out <or>

Minor and technical: Parts 1 to 4

Fergus Ewing
2 In schedule 1, page 167, line 27, leave out <within> and insert <on the expiry of>
Fergus Ewing

7 In section 12, page 7, line 40, leave out from beginning to end of line 5 on page 8 and insert—

   (a) whether or not the debtor’s centre of main interests is situated in the United Kingdom or in another member State, and

   (b) whether or not the debtor possesses an establishment in the United Kingdom or in another member State.

Fergus Ewing

19 In section 32, page 26, line 7, at end insert—

   ( ) The trustee must update and resubmit the statement if—

   (a) the statement previously submitted did not state in accordance with subsection (4)(b) that the debtor's debts have been paid in full, and

   (b) before the day on which the application is determined by AiB, the trustee is able to make that statement.

Fergus Ewing

22 In section 48, page 35, line 25, leave out <may be> and insert <possible>

Definition of “debt advice and information” package

Fergus Ewing

3 In section 3, page 3, line 30, at end insert—

   (2) In this Act, “debt advice and information package” means the debt advice and information package referred to in section 10(5) of the 2002 Act.

Fergus Ewing

72 In section 228, page 157, line 30, leave out from <means> to end of line 31 and insert <has the meaning given by section 3(2),>

Abbreviations

Fergus Ewing

4 In section 10, page 7, line 15, leave out <(“OC”)>

Fergus Ewing

5 In section 10, page 7, line 16, leave out <OC> and insert <the other creditor>

Fergus Ewing

6 In section 10, page 7, line 18, leave out <OC> and insert <the other creditor>

Fergus Ewing

10 In section 14, page 9, line 28, leave out <(“OC”)>
THIS IS NOT THE MARSHALLED LIST

Fergus Ewing
11 In section 14, page 9, line 28, leave out <OC> and insert <the other creditor>

Fergus Ewing
12 In section 14, page 9, line 29, leave out <OC> and insert <the other creditor>

Fergus Ewing
21 In section 46, page 33, line 17, after <section> insert <and in section 47>

Fergus Ewing
26 In section 63, page 46, line 21, leave out <(in this section referred to as “RT”)> 

Fergus Ewing
27 In section 63, page 46, line 23, leave out <(in this section referred to as “OT”)> 

Fergus Ewing
28 In section 63, page 46, line 24, leave out <RT, OT> and insert <the replacement trustee, the original trustee>

Fergus Ewing
29 In section 63, page 46, line 25, leave out <RT> and insert <the replacement trustee>

Fergus Ewing
30 In section 63, page 46, line 25, leave out <OT’s> and insert <the original trustee’s>

Fergus Ewing
31 In section 63, page 46, line 32, leave out <RT, OT> and insert <the replacement trustee, the original trustee>

Fergus Ewing
32 In section 63, page 46, line 34, leave out <OT’s> and insert <the original trustee’s>

Fergus Ewing
33 In section 63, page 46, line 36, leave out <OT> and insert <the original trustee>

Fergus Ewing
34 In section 63, page 46, line 37, leave out <RT> and insert <the replacement trustee>

Fergus Ewing
35 In section 63, page 47, line 1, leave out <OT> and insert <the original trustee>

Fergus Ewing
36 In section 63, page 47, line 2, leave out <OT’s> and insert <the original trustee’s>

Fergus Ewing
37 In section 63, page 47, line 3, leave out <OT’s> and insert <the original trustee’s>
THIS IS NOT THE MARSHALLED LIST

Fergus Ewing

38 In section 63, page 47, line 7, leave out <OT> and insert <the original trustee>

Fergus Ewing

39 In section 63, page 47, line 9, leave out <OT> and insert <the original trustee>

Fergus Ewing

40 In section 63, page 47, line 10, leave out <RT> and insert <the replacement trustee>

Fergus Ewing

41 In section 63, page 47, line 11, leave out <OT, RT> and insert <The original trustee, the replacement trustee>

Fergus Ewing

61 In schedule 6, page 179, line 9, leave out <(“C”)>.

Fergus Ewing

62 In schedule 6, page 179, line 10, leave out <C> and insert <the person chairing the meeting>

Fergus Ewing

63 In schedule 6, page 179, line 11, leave out <C> and insert <the person chairing the meeting>

Fergus Ewing

64 In schedule 6, page 179, line 13, leave out <C> and insert <the person chairing the meeting>

Fergus Ewing

65 In schedule 6, page 179, line 18, leave out first <C> and insert <the person chairing the meeting>

Fergus Ewing

66 In schedule 6, page 179, line 18, leave out second <C> and insert <that person>

Fergus Ewing

67 In schedule 6, page 179, line 20, leave out <C> and insert <The person chairing the meeting>

Fergus Ewing

68 In schedule 6, page 179, line 25, leave out <C> and insert <the person who chaired the meeting>

Forthwith

Fergus Ewing

14 In section 23, page 18, line 2, leave out <without delay, the debtor> and insert <the debtor forthwith>
Fergus Ewing
15 In section 26, page 20, line 6, leave out <, without delay,> and insert <forthwith>

Fergus Ewing
16 In section 26, page 20, line 15, leave out <, without delay,> and insert <forthwith>

Fergus Ewing
17 In section 27, page 21, line 41, leave out <without delay> and insert <forthwith>

Fergus Ewing
18 In section 30, page 24, line 11, leave out <straight away> and insert <forthwith>

Fergus Ewing
20 In section 45, page 33, line 13, leave out <, without delay,> and insert <forthwith>

Fergus Ewing
23 In section 49, page 36, line 16, leave out <without delay> and insert <forthwith>

Fergus Ewing
24 In section 49, page 36, line 21, leave out <without delay> and insert <forthwith>

Fergus Ewing
25 In section 55, page 41, line 12, leave out <, without delay,> and insert <forthwith>

Fergus Ewing
42 In section 70, page 53, line 6, leave out <immediately> and insert <forthwith>

Fergus Ewing
50 In section 108, page 79, line 22, leave out <on that being done,> and insert <forthwith thereafter>

Fergus Ewing
52 In section 126, page 95, line 5, leave out <is without delay to> and insert <must forthwith>

Minor and technical: Parts 5 to 8

Fergus Ewing
43 In section 86, page 61, line 9, after <(9)> insert <(whether or not the bank is aware of the sequestration)>

Fergus Ewing
44 In section 87, page 61, line 30, after <other> insert <substantial>

Fergus Ewing
46 In section 96, page 68, line 7, leave out <payment> and insert <payments>
THIS IS NOT THE MARSHALLED LIST

Fergus Ewing
47 In section 103, page 75, line 1, leave out <arrangements> and insert <arrangement>

Minor and technical: Parts 9 to 14

Fergus Ewing
51 In section 119, page 90, line 3, leave out <75(a)> and insert <(6)(a)>

Fergus Ewing
53 In schedule 3, page 172, line 12, leave out first <or> and insert <of>

Fergus Ewing
54 In section 168, page 122, line 32, leave out <a living> and insert <an>

Fergus Ewing
55 In section 170, page 123, line 6, leave out <publication> and insert <registration>

Fergus Ewing
56 In section 186, page 134, line 12, leave out <without delay> and insert <within 28 days of the date of discharge>

Minor and technical: Parts 15 to 18

Fergus Ewing
57 In section 200, page 141, line 38, after <sequestrations> insert <of which particulars have been registered in the register of insolvencies during the year to which the report relates>

Fergus Ewing
58 In section 200, page 142, line 13, leave out <suppose> and insert <suspect>

Fergus Ewing
59 In section 200, page 142, line 15, after <(1)(a)> insert <in the performance of the person’s functions under this Act or any other enactment or any rule of law>

Fergus Ewing
60 In schedule 5, page 176, line 9, leave out <129> and insert <127>

Fergus Ewing
69 In section 223, page 154, line 12, after <temporarily> insert <and whether absolutely or conditionally>

Fergus Ewing
73 In schedule 7, page 180, leave out line 34 and insert—
<b>an attaching creditor carries through an auction or receives payment in respect of an attached article upon its redemption, that attaching creditor,.</b>

**Fergus Ewing**

75 In schedule 8, page 186, line 17, at end insert—

<em>Further and Higher Education (Scotland) Act 2005</em>

In schedule 2B of the Further and Higher Education (Scotland) Act 2005 (regional boards)—

(a) in paragraph 6(2)(c), after the words “1985” there is inserted “, the Bankruptcy (Scotland) Act 2016”, and

(b) in paragraph 6(2)(d), for the words “under either of those Acts” there is substituted “by virtue of paragraph 7 of schedule 4A of that Act of 1986”.>

**Fergus Ewing**

76 In schedule 8, page 189, leave out lines 4 to 10

**Fergus Ewing**

77 In schedule 9, page 190, line 26, leave out <Regulation 45.>

**Commencement**

**Fergus Ewing**

74 In section 234, page 163, line 4, leave out <award> and insert <petition was presented, or the debtor application>

**Fergus Ewing**

78 In section 236, page 164, line 26, leave out from <, or> to end of line 28