Bankruptcy (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

- Sections 1 and 2  Schedule 1
- Sections 3 to 125  Schedule 2
- Sections 126 to 129  Schedule 3
- Sections 130 to 162  Schedule 4
- Sections 163 to 210  Schedule 5
- Sections 211 to 217  Schedule 6
- Sections 218 to 233  Schedule 7
- Sections 234  Schedules 8 and 9
- Sections 235 to 238  Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

**Schedule 1**

**Fergus Ewing**

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

**Fergus Ewing**

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

**Section 3**

**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.>

**Section 10**

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

Section 12

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.

Section 13

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

In section 13, page 9, line 2, at end insert <, or

(i) at any time by—

(ii) a person entitled to be appointed as executor of the estate,

(iii) a trustee acting under a trust deed,

(iv) a temporary administrator, or

(v) a member State liquidator appointed in main proceedings.

Section 14

In section 14, page 9, line 28, leave out <(“OC”)>

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

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

Section 22

In section 22, page 17, line 25, leave out <and> and insert <or>
Section 23

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

Section 26

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>

Section 27

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

Section 30

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

Section 32

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.>

Section 45

Fergus Ewing
20 In section 45, page 33, line 13, leave out <, without delay,> and insert <forthwith>
Section 46

Fergus Ewing

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

Section 48

Fergus Ewing

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

Section 49

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>

Section 55

Fergus Ewing

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

Section 63

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>

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>

Section 70  

Fergus Ewing  
42 In section 70, page 53, line 6, leave out <immediately> and insert <forthwith>
Section 86

Fergus Ewing

43 In section 86, page 61, line 9, after ⟨(9)⟩ insert ⟨(whether or not the bank is aware of the sequestration)⟩

Section 87

Fergus Ewing

44 In section 87, page 61, line 30, after ⟨other⟩ insert ⟨substantial⟩

Section 89

Fergus Ewing

45 In section 89, page 63, line 27, leave out ⟨or⟩

Section 96

Fergus Ewing

46 In section 96, page 68, line 7, leave out ⟨payment⟩ and insert ⟨payments⟩

Section 103

Fergus Ewing

47 In section 103, page 75, line 1, leave out ⟨arrangements⟩ and insert ⟨arrangement⟩

Fergus Ewing

48 In section 103, page 75, line 8, leave out ⟨or⟩

Section 106

Fergus Ewing

49 In section 106, page 78, line 27, leave out ⟨or⟩

Section 108

Fergus Ewing

50 In section 108, page 79, line 22, leave out ⟨on that being done,⟩ and insert ⟨forthwith thereafter⟩
Section 119

Fergus Ewing

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

Section 126

Fergus Ewing

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

Schedule 3

Fergus Ewing

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

Section 168

Fergus Ewing

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

Section 170

Fergus Ewing

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

Section 186

Fergus Ewing

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

Section 200

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>

Schedule 5

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

Schedule 6

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>

Section 223

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

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

Section 224

Fergus Ewing

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

Section 228

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),>

Schedule 7

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,>

Section 234

Fergus Ewing

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

Schedule 8

Fergus Ewing

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

<Further and Higher Education (Scotland) Act 2005

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
Schedule 9

Fergus Ewing

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

Section 236

Fergus Ewing

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