

*These notes relate to the Home Owner and Debtor Protection (Scotland) Act 2010 (asp 6) which received Royal Assent on 18 March 2010*

# **HOME OWNER AND DEBTOR PROTECTION (SCOTLAND) ACT 2010**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 2 – Sequestration and Trust Deeds**

##### ***Section 13 – regulations under the 1985 Act***

76. **Section 13** makes provision about the Parliamentary procedure for regulations made under the provisions of the 1985 Act modified by Part 2 of the Act and modifies the power in the 1985 Act to make regulations in relation to protected trust deeds.
77. **Section 13(1)** amends section 72 of the 1985 Act to provide that the following regulations made by Scottish Ministers will be subject to affirmative parliamentary procedure—
- section 5B(5) of the 1985 Act (as inserted by section 9(3) of the Act), and
  - paragraph 5(2)(aa) of Schedule 5 to the 1985 Act (as inserted by section 13(2)).
78. **Section 13(2)** amends the regulation making power in paragraph 5 of Schedule 5 to the 1985 Act. The amendment allows regulations made in relation to protected trust deeds to make different provisions for different cases or classes of case. This reflects the amendment to section 5(4A) of the 1985 Act made by section 10 of this Act in recognition of the additional types of trust deed which regulations about protected trust deeds will have to cover.