
Changes to legislation: Bankruptcy (Scotland) Act 2016, Cross Heading: Modification of certain provisions of Act is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1
DEBTOR TO WHOM SECTION 2(2) APPLIES: APPLICATION OF ACT

Modification of certain provisions of Act

- 1 (1) Where section 2(2) applies in relation to a debtor, this Act applies subject to the modifications mentioned in sub-paragraphs (2) to (6).
- (2) Section 42 applies as if for subsection (1) there were substituted—
- “(1) This section applies where AiB receives by virtue of section 8(3)(a) the statement of assets and liabilities in relation to a debtor to whom section 2(2) applies.
- (1A) As soon as practicable, AiB must prepare a statement of the debtor's affairs, so far as within the knowledge of AiB, stating that, because 2(2) applies in relation to the debtor, no claims may be submitted by creditors under section 46 or 122.
- (1B) AiB must send a copy of the statement prepared under subsection (1A) to every known creditor of the debtor.”.
- (3) Section 50(1) applies as if paragraphs (e) and (f) were omitted.
- (4) Section 116 applies as if for subsection (2) there were substituted—
- “(2) AiB may at any time before the discharge of the debtor require the debtor to give an account in writing, in such form as may be prescribed, of the debtor's current state of affairs.”.
- (5) Section 151 applies as if—
- (a) subsections (2) to (6) and (9)(a) were omitted, and
- (b) for subsection (7) there were substituted—
- “(7) The debtor or any creditor may, within 14 days beginning with the day on which the debtor is discharged under section 140(1), appeal to the sheriff against the discharge of AiB in respect of AiB's acting as trustee.”.
- (6) Sections 44, 46, 48, 49, 60, 63 to 65, 122, 131 and 210(3) do not apply.

Commencement Information

II Sch. 1 para. 1 in force at 30.11.2016 by S.S.I. 2016/294, reg. 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by [2019 asp 4 s. 7\(2\)\(a\)](#)
- s. 78(2)(b) and word inserted by [2019 asp 4 s. 7\(2\)\(b\)](#)