

SCHEDULE 3

Regulation 5

CONSEQUENTIAL AMENDMENTS

Bankruptcy (Scotland) Act 1985

1. In section 14 (registration of court order) of the 1985 Act⁽¹⁾, after sub section (1)(b) insert—
 - “(c) a copy of the order to the DAS administrator (as defined in regulation 2(1) of the Debt Arrangement Scheme (Scotland) Regulations 2004), where the debtor is taking part in a debt payment programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002”.
2. In section 15 (further provisions relating to sequestration) of the 1985 Act⁽²⁾, for subsection (5) (b) substitute—
 - “(b) forthwith send a copy of the order refusing or awarding sequestration to—
 - (i) the Accountant in Bankruptcy;
 - (ii) the DAS administrator (as defined in regulation 2(1) of the Debt Arrangement Scheme (Scotland) Regulations 2004), where the debtor is taking part in a debt payment programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002”.

Mortgage Rights (Scotland) Act 2001

3. In section 2(2)(b) (disposal of application) of the Mortgage Rights (Scotland) Act 2001⁽³⁾, after “default” insert—

“and where appropriate to participation by the debtor in a debt payment programme approved under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002”.

Debt Arrangement and Attachment (Scotland) Act 2002

4. In section 47(4) (exceptional attachment order) of the Act, at the end of paragraph—
 - (a) (f), omit “and”; and
 - (b) (g), insert—

“; and
 - (h) whether an application by the debtor for approval of a debt payment programme under Part 1 of this Act has been refused or approved, and if approved, whether that programme has been varied, or is revoked or completed.”.

(1) 1985 c. 66. Section 14 was amended by the Bankruptcy (Scotland) Act 1993 (c. 6) (“the 1993 Act”), Schedule 1, paragraph 3.
(2) 1985 c. 66. Section 15 was amended by the 1993 Act, Schedule 1, paragraph 4.
(3) 2001 asp 11.