



Bankruptcy (Scotland) Act 1985

CHAPTER 66

BANKRUPTCY (SCOTLAND) ACT 1985

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SCHEDULES

SCHEDULE 1 — Determination of Amount of Creditor's Claim

Amount which may be claimed generally

- 1 (1) Subject to the provisions of this Schedule, the amount...

Claims for aliment and periodical allowance on divorce

- 2 (1) A person entitled to aliment, however arising, from a...

Debts depending on contingency

- 3 (1) Subject to sub-paragraph (2) below, the amount which a...

Debts due under composition contracts

- 4 Where in the course of a sequestration the debtor is...

Secured debts

- 5 (1) In calculating the amount of his claim, a secured...

Valuation of claims against partners for debts of the partnership

- 6 Where a creditor claims in respect of a debt of...

SCHEDULE 2 — Adaptation of Procedure etc. Under this Act where Permanent
Trustee not Elected

- 1 Section 24(2) shall, in so far as it relates to...
 2 (1) In place of sections 25 and 26, sub-paragraphs (2)...
 3 (1) In place of subsections (1) to (5) of section...
 4 In section 29— (a) subsection (5) shall not have effect...
 5 Where an appointment is made under paragraph 3(3), or by...
 6 Section 30 shall not have effect, and, in any sequestration...
 7 In section 39— (a) in subsection (1), the reference to...
 8 Any power under section 44 or 45 to apply to...
 9 In subsection (1) of section 53 the reference to the...

SCHEDULE 3 — PREFERRED DEBTS
PART I — LIST OF PREFERRED DEBTS

Debts to Inland Revenue

- 1 (1) Sums due at the relevant date from the debtor...

Debts due to Customs and Excise

- 2 (1) Any value added tax which is referable to the...

Social Security contributions

- 3 (1) All sums which on the relevant date are due...

Contributions to occupational pension schemes, etc.

- 4 Any sum which is owed by the debtor and is...

Remuneration of employees, etc.

- 5 (1) So much of any amount which—

- 6 So much of any amount which— (a) is ordered, whether...
PART II — INTERPRETATION OF PART I

Meaning of " the relevant date "

- 7 In Part I of this Schedule " the relevant date...

Periods to which value added tax referable

- 8 (1) For the purpose of paragraph 2(1) of Part I...

Amounts payable by way of remuneration

- 9 (1) For the purposes of paragraph 5 of Part I...

Transitional Provisions

- 10 Regulations under paragraph 5 or 6 of Part I of...

SCHEDULE 4 — Discharge on Composition

- 1 (1) At any time after the sheriff clerk issues the...
2 The permanent trustee shall submit the offer of composition along...
3 The commissioners or, if there are no commissioners, the Accountant...
4 Where a recommendation is made that the offer of composition...
5 (1) The permanent trustee shall determine from the completed
prescribed...
6 Where the permanent trustee determines that the creditors have
accepted...
7 (1) The sheriff shall, on the receipt by him of...
8 (1) At the hearing the sheriff shall examine the documents...
9 (1) Where the offer of composition is approved, the permanent...
10 As soon as the procedure under paragraph 9 of this...
11 Once the documents have been lodged under paragraph 10 of...
12 An order under paragraph 11 of this Schedule discharging the...
13 Notwithstanding that an offer of composition has been made, the...
14 A creditor who has not submitted a claim under section...
15 A debtor may make two, but no more than two,...
16 On an order under paragraph 11 of this Schedule discharging...
17 (1) Without prejudice to any rule of law relating to...
18 (1) Without prejudice to any rule of law relating to...

SCHEDULE 5 — Voluntary Trust Deeds for Creditors

Remuneration of trustee

- 1 Whether or not provision is made in the trust deed...

Registration of notice of inhibition

- 2 (1) The trustee, from time to time after the trust...

Lodging of claim to bar effect of limitation of actions

- 3 The submission of a claim by a creditor to the...

Valuation of claims

- 4 Unless the trust deed otherwise provides, Schedule 1 to this...

Protected trust deeds

- 5 Paragraphs 6 and 7 of this Schedule shall apply in...
 6 Where the provisions of paragraph 5 of this Schedule have...
 7 (1) A qualified creditor who has not acceded to the...
 8 In this Act a trust deed in respect of which...
 9 Where the trustee under a protected trust deed has made...
 10 Where the trustee under a protected trust deed has obtained...

Creditors not acceding to protected trust deed

- 11 A creditor who has not acceded to a protected trust...
 12 Where, on an application by a creditor under paragraph 11...
 13 Where the court makes an order under paragraph 12 above,...

SCHEDULE 6 — MEETINGS OF CREDITORS AND COMMISSIONERS

PART I — MEETINGS OF CREDITORS OTHER THAN THE STATUTORY MEETING

Calling of meeting

- 1 The permanent trustee shall call a meeting of creditors if...
 2 A meeting called under paragraph 1 above shall be held...
 3 The permanent trustee or a commissioner who has given written...
 4 The permanent trustee or a commissioner calling a meeting under...
 5 (1) Where a requirement has been made under paragraph 1...
 6 It shall not be necessary to notify under paragraph 4...

Role of permanent trustee at meeting

- 7 (1) At the commencement of a meeting, the chairman shall...

Appeals

- 8 The permanent trustee, a creditor or any other person having...

PART II — ALL MEETINGS OF CREDITORS

Validity of proceedings

- 9 No proceedings at a meeting shall be invalidated by reason...

Locus of meeting

- 10 Every meeting shall be held in such place (whether or...

Mandatories

- 11 (1) A creditor may authorise in writing any person to...

Quorum

- 12 The quorum at any meeting shall be one creditor.

Voting at meeting

- 13 Any question at a meeting shall be determined by a...

Objections by creditors

- 14 (1) The chairman at any meeting may allow or disallow...

Adjournment of meeting

- 15 (1) If no creditor has appeared at a meeting at...

Minutes of meeting

- 16 The minutes of every meeting shall be signed by the...

PART III — MEETINGS OF COMMISSIONERS

- 17 The permanent trustee may call a meeting of commissioners at...
18 If the permanent trustee fails to call a meeting of...
19 The permanent trustee shall give the commissioners at least 7...
20 The permanent trustee shall act as clerk at meetings and...
21 If the commissioners are considering the performance of the functions...
22 The quorum at a meeting of commissioners shall be one...
23 Any matter may be agreed by the commissioners without a...

SCHEDULE 7 —

PART I — CONSEQUENTIAL AMENDMENTS

The Judicial Factors (Scotland) Act 1880 (c.4)

- 1 In section 3 (interpretation), for the words "section 14 or..."

The Bankruptcy Act 1883 (c.52)

- 2 (1) In subsection (1) of section 32 after the words...

The Judicial Factors (Scotland) Act 1889 (c.39)

- 3 In section 2, at the beginning there shall be inserted...
4 After section 11 there shall be inserted the following sections—...

The Conveyancing (Scotland) Act 1924 (c. 27)

- 5 In section 44(4)(c) (limitation of effect of entries in the...

The Third Parties (Rights Against Insurers) Act 1930 (c.25)

- 6 (1) In section 1(2) (rights of third parties against insurers...

The Exchange Control Act 1947 (c.14)

- 7 In paragraph 7 of the Fourth Schedule (application of that...

The Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)

- 8 In paragraph 9(2)(b) of Schedule 3 (" insolvent" for purposes...

The Superannuation Act 1972 (all)

- 9 In section 5(2) (benefits under civil service superannuation schemes not...

The Road Traffic Act 1972 (c.20)

- 10 In section 150(2) (effect of bankruptcy of insured or secured...

The Prescription and Limitation (Scotland) Act 1973 (c. 52)

- 11 In section 9(1), for paragraph (b) there shall be substituted...

The Local Government (Scotland) Act 1973 (c.65)

- 12 In section 31(2) (disqualifications regarding members of local authority), for...

The Social Security Pensions Act 1975 (c.60)

- 13 In section 58 of the Social Security Pensions Act 1975...

The Employment Protection (Consolidation) Act 1978 (c. 44)

- 14 (1) In section 106(6) (payments out of fund to employees),...

The Land Registration (Scotland) Act 1979 (c.33)

- 15 In section 12(3)(b) (restriction as regards indemnity in respect of...

The Banking Act 1979 (c.37)

- 16 In section 28 (payments to depositors on institution's insolvency)—

The Estate Agents Act 1979 (c.38)

- 17 In section 23(2) (bankrupts not to engage in estate agency...

The Value Added Tax Act 1983 (c.55)

- 18 In section 22(4)(a)(ii) ("insolvency" for purposes of refund of tax...

The Companies Act 1985 (c.6)

- 19 (1) In section 613 (ranking of claims in Scotiand)—
 20 After section 615 there shall be inserted the following sections—...
 21 For subsections (1) to (5) of section 623 (effect of...
 22 In section 643 (unclaimed dividends etc. in Scotland to be...

The Family Law (Scotland) Act 1985 (c.37)

- 23 In section 14(5)(b) for the words from "sections 30" to...
 PART II — RE-ENACTMENT OF CERTAIN PROVISIONS OF BANKRUPTCY
 (SCOTLAND) ACT 1913 (C.20)

Arrestments and Poidings

- 24 (1) Subject to sub-paragraph (2) below, all arrestments and poidings...

*Exemptions from stamp or other duties for
conveyances, deeds etc. relating to sequestrated estates*

- 25 Any— (a) conveyance, assignation, instrument, discharge, writing, or deed relating...

SCHEDULE 8 — Repeals