

## SCHEDULE 1

### Modification of enactments

## PART 1

### Primary legislation

#### Insolvency Act 1986

4.—(1) The Insolvency Act 1986(1) is amended as follows.

(2) In section 51(6)(2) (power to appoint receiver), in paragraph (a) of the definition of “bankruptcy restrictions order”, for “56A of the Bankruptcy (Scotland) Act 1985 (c.66)” substitute “155 of the Bankruptcy (Scotland) Act 2016”.

(3) In section 185 (effect of diligence: Scotland)—

(a) in subsection (1), for the words from “1985” to the end of paragraph (b) substitute—  
“2016—

(a) subsections (3) to (10) of section 23A (effect of sequestration on land attachment)(3) and section 24 (effect of sequestration on diligence generally); and

(b) subsections (6), (7), (10) and (11) of section 109 (management and realisation of estate),”; and

(b) in subsection (2), for “1985” substitute “2016”.

(4) In section 193 (unclaimed dividends: Scotland)—

(a) in subsection (2), for “73(1) of the Bankruptcy (Scotland) Act 1985” substitute “228(1) of the Bankruptcy (Scotland) Act 2016”; and

(b) in subsection (3)(4), for—

(i) “58 of the Bankruptcy (Scotland) Act 1985” substitute “150 of the Bankruptcy (Scotland) Act 2016”; and

(ii) “57” substitute “148”.

(5) In section 242(3)(a) (gratuitous alienations: Scotland), for “1985” substitute “2016”.

(6) In section 388 (meaning of “act as insolvency practitioner”)—

(a) in subsection (2)(a), for “permanent or interim trustee” substitute “trustee (or interim trustee)”;

(b) in subsection (3)(5), for “1985” substitute “2016”;

(c) in subsection (4), for the definition of ““interim trustee” and “permanent trustee”” substitute—

““sequestration” means sequestration under the Bankruptcy (Scotland) Act 2016”;  
and

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(1) 1986 c.45.

(2) Section 51(6) was amended by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) (“the 2007 Act”), section 3(4).

(3) Section 23A of the 2016 Act is prospectively inserted by section 127A of the 2007 Act, as inserted by paragraph 23(2) of schedule 8 to the 2016 Act. This will allow section 23A to be brought into force at the same time as Chapter 2 (land attachment) of Part 4 of the 2007 Act.

(4) Section 193(3) was amended by S.I. 2009/1941, Schedule 1, paragraph 75(21).

(5) Section 388(3) was amended by S.I. 1994/2421, article 15(2).

**Changes to legislation:** There are currently no known outstanding effects for the The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016, Paragraph 4. (See end of Document for details)

- (d) in subsection (5)(b)(6), for “1985” substitute “2016”.
- (7) In section 389(2) (acting without qualification an offence)(7), for “1985” substitute “2016”.
- (8) In section 390(5)(a)(8) (persons not qualified to act as insolvency practitioners), after “1985” insert “or the Bankruptcy (Scotland) Act 2016”.
- (9) In section 426(10)(b)(9) (co-operation between courts exercising jurisdiction in relation to insolvency), for “1985” substitute “2016”.
- (10) In section 435(5)(a) (meaning of “associate”), for “1985” substitute “2016”.
- (11) In paragraph 14 of Schedule 8 (provisions capable of inclusion in company insolvency rules), for “1985” substitute “2016”.

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#### Commencement Information

**II** Sch. 1 para. 4 in force at 30.11.2016, see [art. 1](#)

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(6) Section 388(5) was substituted by the Bankruptcy (Scotland) Act 1993 (c.6) (“the 1993 Act”), section 11(1).  
(7) Section 389(2) was amended by the 1993 Act, section 11(2).  
(8) Section 390(5) was substituted by the Small Business, Enterprise and Employment Act 2015 (c.26) (“the 2015 Act”), section 115(b).  
(9) Section 426(10)(b) was amended by the Insolvency Act 2000, Schedule 4, paragraph 16(3)(b).

**Changes to legislation:**

There are currently no known outstanding effects for the The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016, Paragraph 4.