SCOTTISH STATUTORY INSTRUMENTS

2024 No. 373 (C. 25)

INSOLVENCY

BANKRUPTCY

DEBT

The Bankruptcy and Diligence (Scotland) Act 2024 (Commencement No. 1, Transitional and Saving Provisions) Regulations 2024

Made - - - -	*10th December 2024*
Laid before the Scottish Parliament	*12th December 2024*
Coming into force - -	*20th January 2025*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 22(2) and (3) of the Bankruptcy and Diligence (Scotland) Act 2024(**a**) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Bankruptcy and Diligence (Scotland) Act 2024 (Commencement No. 1, Transitional and Saving Provisions) Regulations 2024 and come into force on 20 January 2025.

(2) In these Regulations—

(a) "the Act" means the Bankruptcy and Diligence (Scotland) Act 2024,

(b) "the 2016 Act" means the Bankruptcy (Scotland) Act 2016(**b**),

(c) "AiB" means the Accountant in Bankruptcy and is to be construed in accordance with section 199 of the 2016 Act.

Appointed day

2. 20 January 2025 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 6 (when sequestration is awarded: minimal asset process),

(b) section 8 (gratuitous alienations: right acquired in good faith and for value),

(c) section 9 (time periods for appeals against decisions by AiB),

(**a**) 2024 asp 9.
(**b**) 2016 asp 21.

(d) section 10 (protected trust deeds: information and time to be provided to debtor),

(e) section 13 (commissioners: disqualification from office where AiB is trustee),

(f) section 17 (provision of debt advice and information package),

(g) section 19 (money attachment when premises are open),

(h) section 20 (arrestment of ships on a Sunday).

Transitional provision: time periods for appeals against decisions by AiB

3.—(1) Where a decision of AiB in relation to an appeal under section 69(11)(a) of the 2016 Act was—

(a) made before 20 January 2025, and

(b) an appeal to the sheriff against that decision has not been made by that date,

the trustee in the sequestration, or their representatives, the new trustee, the debtor, or any creditor may, within 14 days beginning with 20 January 2025, appeal to the sheriff against that decision (instead of within 14 days beginning with the date of that decision as provided for by section 69(12) of the 2016 Act(**a**)).

(2) Where a decision of AiB in relation to an appeal under section 134(1)(a) of the 2016 Act was—

(a) made before 20 January 2025, and

(b) an appeal to the sheriff against that decision has not been made by that date,

the trustee, the debtor or any creditor may, within 14 days beginning with 20 January 2025, appeal to the sheriff against that decision (instead of within 14 days beginning with the date of that decision as provided for by section 134(3) of the 2016 Act(**b**)).

Saving provisions

4. Despite the commencement of section 10 of the Act (protected trust deeds: information and time to be provided to debtor), the amendments made by that section have no effect in relation to a trust deed granted by the debtor before 20 January 2025.

5. Despite the commencement of section 17 of the Act (provision of debt advice and information package), the amendments made by that section have no effect where a creditor application to the court for warrant for diligence on the dependence under section 15D(1) of the Debtors (Scotland) Act 1987(**c**) has been made before 20 January 2025.

IVAN MCKEE
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
10th December 2024

(**a**) Section 69(12) is substituted by section 9(2)(b) of the Bankruptcy and Diligence (Scotland) Act 2024 ("the Act").
(**b**) Section 134(3) is substituted by section 9(3)(a) of the Act.
(**c**) 1987 c. 18. Section 15D was inserted by section 169 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force sections 6, 8 to 10, 13, 17, 19 and 20 of the Bankruptcy and Diligence (Scotland) Act 2024 ("the Act") on 20 January 2025.

Regulation 3 makes transitional provision in relation to the commencement of section 9 of the Act (time periods for appeals against decisions by the Accountant in Bankruptcy ("AiB")) and provides that:

- in relation to section 69 of the Bankruptcy (Scotland) Act 2016 ("the 2016 Act"), where a determination of the commissioners, fixing the amount of outlays and remuneration payable to a trustee in sequestration (or their representatives) on their resignation or death has been appealed to AiB, and AiB has issued a decision before 20 January 2025, that decision may be appealed to the sheriff up to 14 days after that date, instead of within 14 days after that decision;
- in relation to section 134 of the 2016 Act, where a determination of commissioners fixing the amount of outlays and remuneration payable to a trustee has been appealed to AiB and AiB has issued a decision before 20 January 2025, that decision may be appealed to the sheriff up to 14 days after that date, instead of within 14 days after that decision.

Regulation 4 provides that section 10 of the Act (protected trust deeds: information and time to be provided to debtor) has no bearing on a trust deed granted by the debtor before 20 January 2025.

Regulation 5 provides that section 17 of the Act (provision of debt advice and information package) has no bearing on a creditor application for warrant for diligence on the dependence made to the court before 20 January 2025.

The Bill for the Act received Royal Assent on 15 July 2024. Sections 21, 22 and 23 came into force the following day.

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