POLICY NOTE

The Bankruptcy (Scotland) Regulations 2016

SSI 2016/

1. The above Regulations would be made by the Scottish Ministers in exercise of the powers conferred by sections 2(2)(a)(ii) and (f), 3(1), 4(1)(d) and (2)(b), 6(8), 8(3)(a), 9(4)(b), 19(1), 46(2)(a) and (6), 48(1)(a), 51(14), 54(4), 87(8), 89, 94(7), 113(5), 116(2), 117(1), 119(6)(a), 126(5), 129(10)(a), 137(2), 138(2), 140(2) 141(2)(a) and (c), 142(2) and (5), 200(1)(c) and (8), 221, 224(1), 225(2), 228(1), 234(3)(b) and paragraph 2(5)(a) of schedule 1 of the Bankruptcy (Scotland) Act 2016 ("the 2016 Act"), section 7(2)(bd) of the Debt Arrangement and Attachment (Scotland) Act 2002 and all other powers enabling them to do so. They are subject to the affirmative procedure.

Policy Objectives

2. The policy objective of these Regulations is to consolidate the main secondary legislation under the Bankruptcy (Scotland) Act 1985 ("the 1985 Act") as part of the replacement of the 1985 Act by the consolidating Bankruptcy (Scotland) Act 2016. The aim of the consolidation of bankruptcy law is to aid the accessibility and understanding of bankruptcy law for practitioners and those affected by it.

3. In brief, these Regulations aim to bring together the provisions in relation to:-
    - Money advice
    - Categories of money adviser and provisions about their approval
    - The Common Financial Tool for assessing income & expenditure
    - The debtor's contribution from income
    - Administration of sequestration
    - Financial education for the debtor
    - Moratorium on diligence before sequestration, protected trust deeds and the Debt Arrangement Scheme
    - Register of Insolvencies
    - Application of the law of sequestration to limited partnerships
    - Forms

4. These Regulations bring together provisions from the Bankruptcy (Scotland) Regulations 2014 (SSI 2014/225), the Common Financial Tool etc. (Scotland) Regulations 2014 (SSI 2014/290), the Bankruptcy (Money Advice and Deduction from Income etc.) (Scotland) Regulations 2014 (SSI 2014/296) and the Bankruptcy (Certificate for Sequestration) (Scotland) Regulations 2010 (SSI 2010/397). The order of provisions follows the running order of the Bankruptcy (Scotland) Act 2016.

5. As with the new Act, these new Regulations will only apply to sequestrations petitioned or applied for (and trust deeds for creditors executed) on or after

30 November 2016 – the date the new Act comes into force. The Regulations replaced will continue to apply to other older sequestration processes.

6. Regulation 14 makes one policy change, increasing the total value of assets a debtor can have at which the Accountant in Bankruptcy (AiB) is to consider whether the debtor ceases to be subject to the simplified bankruptcy procedure for those who have few assets (the Minimal Asset Process or MAP), and falls instead into full bankruptcy. This change is in order to address anomalies that have been identified in bankruptcy administration and a discrepancy in the way newly identified assets (predominantly PPI compensation) have been treated in Minimal Asset Process and Full Administration bankruptcy cases.

7. A change to regulation 5(3) has been introduced to recognise expressly that the notification of a decision to revoke a money adviser's approval to the money adviser which would be required legally (as well as to the debtor).

8. There are minor changes to statutory forms to address some existing errors and anomalies, bring the statutory forms into line with existing practice and to make the forms covering income and expenditure consistent with the Common Financial Tool and Common Financial Statement for assessing income and expenditure.

Background

9. In their eighth programme of Law Reform, the Scottish Law Commission, at the suggestion of the AiB, undertook a project on consolidating the legislation relating to bankruptcy in Scotland. The majority of the legislation proposed for consolidation is contained in the 1985 Act. The 1985 Act has been heavily amended on many occasions, as a result it has lost its coherence and structure. Many of the provisions are inordinately long and numbering has become complex and unwieldy. The primary aim of the 2016 Act was to make it more readable and accessible for practitioners and for those affected by it, saving time and money.

10. The 2016 Act received Royal Assent on 28 April 2016. These Regulations are part of the work to consolidate:-
    - the Bankruptcy (Scotland) Regulations 2014
    - the Bankruptcy (Certificate for Sequestration) (Scotland) Regulations 2010
    - the Bankruptcy (Money Advice and Deduction from Income etc.) (Scotland) Regulations 2014
    - the Common Financial Tool etc. (Scotland) Regulation 2014
    - the Protected Trust Deed (Scotland) Regulations 2013
    - the Bankruptcy (Applications and Decisions) (Scotland) Regulations 2014
    - the Bankruptcy Fees (Scotland) Regulations 2014

11. The Bankruptcy (Applications and Decisions) (Scotland) Regulations 2014 are consolidated separately on the same timescale.

12. The Bankruptcy Fees (Scotland) Regulations 2014[1] will continue to apply to all sequestrations under the savings and continuity of law provisions in sections 234(3) and 235(1), (2) and (4) of the Bankruptcy (Scotland) Act 2016. They are due to be replaced in 2017 after the conclusion of a review of the current fee levels. An informal tracked changes version is available on the AiB website to provide the correspondences to the new legislation.

13. Tables of Destinations and Derivations identifying the corresponding provisions in the 1985 Act and in the 2016 Act are available for the Bankruptcy (Scotland) Act 2016[2]. Similar Tables have been prepared for these Regulations (see the **Annex B** to this Note).

Consultation

14. AiB has worked closely with stakeholders who have provided valuable feedback on the proposals for consolidation. This goes back to August 2011, when the Scottish Law Commission ("SLC") initially published their "Consolidation of the Bankruptcy Legislation in Scotland" consultation paper, making a number of recommendations following responses to that consultation. Virtually all of the SLC recommendations were implemented by the Bankruptcy and Debt Advice (Scotland) Act 2014 which allowed for a straight consolidation of the existing law in the new Act.

15. There was extensive engagement with key stakeholders during the passage of the Consolidation Act. The Delegated Powers and Law Reform Committee (DPLRC) took evidence from ICAS and the R3 Technical Committee who were broadly supportive of the Bill.

16. AiB published a draft version of these Regulations, together with the accompanying Regulations[3] in August 2016 and invited comments from stakeholders. Some minor changes have been introduced as a consequence of the points raised.

Impact Assessments

17. A Business and Regulatory Impact Assessment (BRIA) has been completed. A copy of this BRIA can be found on the AiB website at: www.aib.gov.uk.

18. An Equality Impact Assessment (EQIA) has not been carried out as these Regulations purely consolidate existing legislation which was previously subject to an EQIA and which highlighted no issues. AiB has, however, given thought to the effects of these regulations and the changes set out in this instrument will apply equally to all. AiB regularly consults with stakeholders, service users and the general public on reforms to bankruptcy law to ensure that the needs of all groups of society who require to enter bankruptcy are

[1] SSI 2014/227 as amended by SSI 2015/80.
2 https://www.aib.gov.uk/bankruptcy-scotland-act-2016-tables-derivations-and-destinations-draft
3 the Bankruptcy (Applications and Decisions) (Scotland) Regulations 2016; the Bankruptcy (Scotland) Act 2016 (Commencement) Regulations 2016; and the Protected Trust Deeds (Forms) (Scotland) Regulations 2016.

considered and that no particular groups are disadvantaged or excluded more than others.

Financial Effects

19. AiB has considered the financial impact of the Consolidation in the 2016 Act and associated Regulations on firms. Stakeholders mentioned to the DPLRC the costs that would require to be incurred. Whilst there will be one-off limited costs and training requirements these will be mitigated over time by the savings associated by simpler statute and reduced time in sourcing appropriate legislation.

The Accountant in Bankruptcy on behalf of the Scottish Government

September 2016

ANNEX A

Specific Provisions

1. **Regulation 3** and schedule 1 outline the main forms to be used in relation to sequestration.

2. **Regulation 4** prescribes the persons who can act as a money adviser in relation to sequestration, updated to reflect changes to the regulation of Insolvency Practitioners in the Deregulation Act 2015.

3. **Regulation 5** sets out who may not be a money adviser, including those whose approval may be revoked by the AiB.

4. **Regulation 6** prescribes additional matters on which debtors must obtain money advice in making a debtor application for sequestration.

5. **Regulation 7** provides for procedural requirements on money advisers providing money advice in connection with debtor applications.

6. **Regulation 8** sets out the form to be used when a certificate of sequestration is granted by a money adviser on the application of a debtor, and how it is completed.

7. **Regulation 9** confirms there is no fee chargeable for granting a certificate for sequestration.

8. **Regulation 10** sets the prescribed period which a debtor may make an application for sequestration as 30 days before the date on which the debtor may apply.

9. **Regulation 11** sets out when the debtor must be provided with a debt advice and information package.

10. **Regulation 12** sets out provisions in relation to the completion of debtor applications and procedures for the award of sequestration as a result.

11. **Regulation 13** provides for prescribed payments of social security benefits as part of the eligibility criteria for the simplified Minimal Asset Process (MAP)**.**

12. **Regulation 14** changes the total value of assets a debtor can have at which the AiB must consider whether a debtor ceases to fall within MAP (from £5,000 to £2,000).

13. **Regulation 15** specifies the method to be used to assess the debtor's contribution as the Common Financial Statement (CFS) and as provided for in this regulation and regulations 16 and 17.

14. **Regulation 16** sets out that a debtor can retain up to certain limits from regular payments towards an allowance to meet contingencies which may arise for the debtor.

15. **Regulation 17** provides that supporting statements, explanation and evidence are required when verifying the debtor's income and expenditure.

16. **Regulation 18** states that the AiB can in some cases related to debtor applications notify the Money Advice Trust (MAT) where it appears money advisers have breached licence restrictions.

17. **Regulation 19** prescribes the forms for debtor contribution orders.

18. **Regulation 20** provides for the forms and effect of instructions by the debtor or trustee to an employer or third party who is due to pay income or earnings to the debtor for deductions from those earnings or other income, and the consequences of not complying.

19. **Regulation 21** prescribes the circumstances in which a creditor may state the amount of the creditor's claim in foreign currency for voting purposes at a statutory meeting and submission of claims to a trustee.

20. **Regulation 22** prescribes the manner in which the trustee is to convert a creditor's claim made in foreign currency for the purposes of proceedings at a statutory meeting and the adjudication of creditors' claims.

21. **Regulation 23** provides for the form of application to be completed by the trustee where the trustee seeks authority to resign office.

22. **Regulation 24** provides the form of notice to be given to the debtor when the trustee has abandoned heritable property to the debtor.

23. **Regulation 25** outlines the course of financial education which a debtor may be required to undertake by the trustee.

24. **Regulation 26** prescribes 8% per annum as the rate of interest to be paid on preferred debts and ordinary debts between the date of sequestration and the date of payment of the debt for the purposes of the order of priority in distribution of the debtor's estate.

25. **Regulation 27** provides for the form of certificate deferring indefinitely the discharge of the debtor.

26. **Regulation 28** states that the premium of any bond of caution or other security given by an insolvency practitioner in relation to acting as interim trustee or trustee may be taken into account as part of the insolvency practitioner's outlays in the sequestration.

27. **Regulation 29** provides for forms of notice to be given by a person to trigger the moratorium on diligence under Part 15 of the 2016 Act.

28. **Regulation 30** makes provision about the register of insolvencies which it is the function of the Accountant in Bankruptcy to maintain.

29. **Regulation 31** makes modifications of the 1985 Act in its application to limited partnerships.

30. **Regulations 32 – 33** concern revocations, savings and transitionals arrangements for sequestrations and Trust Deeds before 30 November 2016. The Regulations revoked are saved in relation to sequestrations petitioned or applied for, or trust deeds executed before the Act comes into force on 30 November 2016.

31. **Regulation 34** provides transitionally that notice by a debtor to initiate the moratorium on diligence by indicating an intention to apply has effect notwithstanding it is in the form required by these Regulations before 30 November 2016, i.e. indicating intention to apply under the new Act.

ANNEX B

Bankruptcy (Scotland) Regulations 2016 (S.S.I. 2016/Draft)

Table of Derivations and Destinations

The Table of Derivations shows the derivations of the provisions of the Bankruptcy (Scotland) Regulations 2016. The Table of Destinations shows how the provisions proposed to be revoked are dealt with by the consolidated Regulations.

Abbreviations

"BSR 2014" means the Bankruptcy (Scotland) Regulations 2014 (S.S.I. 2014/225)
"CFT 2014" means the Common Financial Tool etc. (Scotland) Regulations 2014 (S.S.I. 2014/290)
"CFT 2015" means the Common Financial Tool etc. (Scotland) Amendment Regulations 2015 (S.S.I. 2015/149)
"CfS 2010" means the Bankruptcy (Certificate for Sequestration) (Scotland) Regulations 2010 (S.S.I. 2010/397)
"MADI 2014" means the Bankruptcy (Money Advice and Deduction from Income etc.) (Scotland) Regulations 2014 (S.S.I. 2014/296)
"Misc. 2015" means the Bankruptcy (Miscellaneous Amendments) (Scotland) Regulations 2015 (S.S.I. 2015/80)
"The 2016 Act" means the Bankruptcy (Scotland) Act 2016 (asp 21)

Table of Derivations

Provision of Bankruptcy (Scotland) Regulations 2016	**Origin of provision**
Regulation 3 - forms	BSR 2014 regulation 3
Regulation 4 – approved categories of money advisers	MADI regulation 3
Regulation 5 – persons who may not be approved money advisers	MADI regulation 4
Regulation 6 – other matters on which a debtor must obtain advice	MADI regulation 5
Regulation 7 – money advice on debtor applications: procedure on evidence and information	MADI regulation 6

Regulation 8 – certificate for sequestration: form and manner	CfS regulation 5 (Form set out in Sch 1 of MADI 2014)
Regulation 9 - certificate for sequestration: fees	CfS regulation 6
Regulation 10 – certificate for sequestration: prescribed period	CfS regulation 7
Regulation 11 – Debt advice and information package	BSR 2014 regulation 7
Regulation 12 – debtor applications	BSR 2014 regulation 5
Regulation 13 - MAP prescribed payments	BSR 2014 regulation 6
Regulation 14 – MAP total assets	Drafting
Regulation 15 – Common financial tool	CFT 2014 regulation 3, CFT 2015 regulation 3
Regulation 16 - Common financial tool: contingency allowance	CFT 2014 regulation 3A, CFT 2015 regulation 3
Regulation 17 - Common financial tool: supporting statements and evidence	CFT 2014 regulation 4, CFT 2015 regulation 3
Regulation 18 – Money Advice Trust licence requirements: report	CFT 2014 regulation 5
Regulation 19 – debtor contribution orders	BSR 2014 regulation 14
Regulation 20 – deduction from debtor's earnings and other income	MADI 2014 regulation 8

Regulation 21 – claims in foreign currency	BSR 2014 regulation 10
Regulation 22 – conversion of foreign currency claims	BSR 2014 regulation 11
Regulation 23 – trustee resignation application	BSR 2014 regulation 12
Regulation 24 – abandonment of heritable property by trustee	BSR 2014 regulation 13
Regulation 25 – financial education	BSR 2014 regulation 17
Regulation 26 – interest on claims in sequestration	BSR 2014 regulation 18
Regulation 27 – certificate of deferral	BSR 2014 regulation 19; Misc 2015
Regulation 28 – premium bond of caution	BSR 2014 regulation 20
Regulation 29 – moratorium on diligence: notice of intention to apply	BSR 2014 regulation 22
Regulation 30 – Register of Insolvencies	BSR 2014 regulation 4
Regulation 31 – application of Bankruptcy Act to limited partnerships	BSR 2014 regulation 8
Regulation 32 – Revocations	Drafting
Regulation 33 – Sequestrations and trust deeds before 30 November 2016	Drafting

Regulation 34 – moratorium on diligence:	Drafting

Schedule 1 - Forms

Form 1 - Debtor Application	BSR 2014 - Form 14; Misc 2015
Form 2 – Certificate for sequestration	CfS 2010, regulation 5 & Schedule; MADI 2014 regulation 7(5) & Schedule 1
Form 3 - Debtor Application (Trust, Partnership etc.)	BSR 2014 – Form 15; Misc 2015
Form 4 - Statement of Assets and Liabilities (Trusts, Partnerships etc.)	BSR 2014 Form 16; Misc 2015
Form 5 - Statutory Demand for Payment of Debt	BSR 2014 - Form 2
Form 6 - Oath By Creditor	BSR 2014 - Form 3
Form 7 - Form of Schedule of Award of Sequestration on Application by Debtor or Executor	BSR 2014 - Form 18
Form 8 - Form of Refusal of Award of Sequestration	BSR 2014 - Form 19
Form 9 - Notice of Award of Sequestration to the Keeper of the Registers of Scotland	BSR 2014 - Form 20
Form 10 - Statement of Assets and Liabilities Petition by creditor or trustee under a trust deed	BSR 2014 - Form 4; Misc 2015
Form 11 - Statement of Claim by Creditor	BSR 2014 - Form 5; Misc 2015
Form 12 - Form of Undertaking to act as Trustee in Sequestration on the Application of a Debtor	BSR 2014 - Form 17; Misc 2015
Form 13 - Statement of Undertakings	BSR 2014 - Form 1

Form 14 - Trustee Application for Authority to Resign Office as Trustee in Sequestration	BSR 2014 - Form 21
Form 15 - Notice of Abandonment of Heritable Property by Trustee in Sequestration where the AiB is not the Trustee	BSR 2014 - Form 22; Misc 2015
Form 16 - Notice of Abandonment of Heritable Property where the AiB is the Trustee	BSR 2014 - Form 23; Misc 2015
Form 17 - Debtor Contribution Order (Debtor Application)	BSR 2014 - Form 24
Form 18 - Debtor Contribution Order (Petition for Sequestration)	BSR 2014 - Form 25
Form 19 - Deduction from Income – Debtor's payment instruction to employer or third person	MADI 2014 – Form 1
Form 20 - Deduction from Income – Trustee's payment instruction to employer or third person	MADI 2014 – Form 2
Form 21 - Deduction from Income – Payment variation instruction to employer or third person	MADI 2014 – Form 3
Form 22 - Notice by Trustee of Proceedings to Obtain Authority in Relation to Debtor's Family Home	BSR 2014 - Form 26; Misc 2015
Form 23 - Debtor's Account of Current State of Affairs	BSR 2014 - Form 27
Form 24 - Notice by Trustee: Public Examination of the Debtor or a Relevant Person	BSR 2014 - Form 6
Form 25 - Debtor Certificate of Discharge (where the Accountant in Bankruptcy is not the trustee)	BSR 2014 - Form 7; Misc 2015
Form 26 - Debtor Certificate of Discharge (where the Accountant in Bankruptcy is the trustee)	BSR 2014 - Form 8; Misc 2015
Form 27 - Debtor Certificate of Discharge (debtor to whom section 2(2) applies)	BSR 2014 - Form 9; Misc 2015
Form 28 - Deferral Notice	BSR 2014 – Form 10; Misc 2015
Form 29 - Application for Deferral	BSR 2014 - Form 11; Misc 2015

Form 30 - Certificate of Deferral of Discharge	BSR 2014 - Form 28
Form 31 - Trustee Application for Authority to Resign Office: debtor not traced	BSR 2014 - Form 12; Misc 2015
Form 32 - Notice granting Trustee Authority to Resign Office	BSR 2014 - Form 13
Form 33 - Moratorium – Notice of Intention to Apply	BSR 2014 - Form 29; Misc 2015
Form 34 - Moratorium – Notice of Intention to Apply (Trust, Partnership, etc.)	BSR 2014 – Form 30

Schedule 2 - Register of Insolvencies	BSR 2014, Schedule 2; Misc 2015

Table of Destinations

Bankruptcy (Scotland) Regulations 2014

Existing provision	*Subject matter*	*Provision of Bankruptcy (Scotland) Regulations 2016*	*Remarks*
reg 3	Forms	reg 3	
reg 4	Register of Insolvencies	reg 30	
reg 5	Debtor applications	reg 12	
reg 6	MAP prescribed payments	reg 13	
reg 7	Debt advice and information package	reg 11	

reg 8	application of Bankruptcy Act to limited partnerships	reg 31	
reg 9	Apparent insolvency/Creditor debt threshold	-	Unnecessary. Incorporated in 2016 Act, s.16(1)(i)
reg 10	claims in foreign currency	reg 21	
reg 11	conversion of foreign currency claims	reg 22	
reg 12	trustee resignation application	reg 23	
reg 13	abandonment of heritable property by trustee	reg 24	
reg 14	Debtor contribution orders	reg 19	
reg 15	Notice by trustee of proceedings to obtain court authority in relation to debtor's family home	-	General reg 3 (forms) and schedule, Form sufficient to prescribe Form 22.
reg 16	Debtor's requirement to give account of state of affairs	-	General reg 3 (forms) sufficient to prescribe Form 27
reg 17	financial education	reg 25	
reg 18	Interest on claims in sequestration	reg 26	
reg 19	certificate of deferral	reg 27	Amended Misc 2015
reg 20	Premium bond of caution	reg 28	

reg 21	Preference for remuneration of employees, etc	-	Provision left extant as reserved function of Secretary of State.
reg 22	moratorium on diligence: notice of intention to apply	reg 29	
Sch 1	**Forms**	**Sch 1**	
1	Statement of Undertakings	13	
2	Statutory Demand for Payment of Debt	5	
3	Oath By Creditor	6	
4	Statement of Assets and Liabilities Petition by creditor or trustee under a trust deed	10	Amended Misc 2015
5	Statement of Claim by Creditor	11	Amended Misc 2015
6	Notice by Trustee: Public Examination of the Debtor or a Relevant Person	24	
7	Debtor Certificate of Discharge (where the Accountant in Bankruptcy is not the trustee)	25	Amended Misc 2015
8	Debtor Certificate of Discharge (where the Accountant in Bankruptcy is the trustee)	26	Amended Misc 2015
9	Debtor Certificate of Discharge (debtor to whom section 5(2ZA) applies)	27	Amended Misc 2015
10	Deferral Notice	28	Amended Misc 2015
11	Application for Deferral	29	Amended Misc 2015
12	Trustee Application for Authority to Resign Office: debtor not traced	31	Amended Misc 2015
13	Notice granting Trustee Authority to Resign Office	32	
14	Debtor Application	1	Amended Misc 2015
15	Debtor Application (Trust, Partnership etc.)	3	Amended Misc 2015
16	Statement of Assets and Liabilities (Trusts, Partnerships etc.)	4	Amended Misc 2015
17	Form of Undertaking to act as Trustee in Sequestration on the Application of a Debtor	12	Amended Misc 2015
18	Form of Schedule of Award of Sequestration on Application by Debtor	7	

	or Executor		
19	Form of Refusal of Award of Sequestration	8	
20	Notice of Award of Sequestration to the Keeper of the Registers of Scotland	9	
21	Trustee Application for Authority to Resign Office as Trustee in Sequestration	14	
22	Notice of Abandonment of Heritable Property by Trustee in Sequestration where the Accountant in Bankruptcy is not the Trustee	15	Amended Misc 2015
23	Notice of Abandonment of Heritable Property where the Accountant in Bankruptcy is the Trustee	16	Amended Misc 2015
24	Debtor Contribution Order (Debtor Application)	17	
25	Debtor Contribution Order (Petition for Sequestration)	18	
26	Notice by Trustee of Proceedings to Obtain Authority in Relation to Debtor's Family Home	22	Amended Misc 2015
27	Debtor's Account of Current State of Affairs	23	
28	Certificate of Deferral of Discharge	30	
29	Moratorium – Notice of Intention to Apply	33	Amended Misc 2015
30	Moratorium – Notice of Intention to Apply (Trust, Partnership, etc.)	34	

Sch 2	Register of Insolvencies	sch 2	Amended, Misc 2015

Common Financial Tool etc. (Scotland) Regulations 2014 (S.S.I. 2014/290)

Existing provision	*Subject matter*	*Provision of Bankruptcy (Scotland) Regulations 2016*	*Remarks*

reg 3	Common financial tool	reg 15	Amended CFT 2015 reg 3
reg 3A	Common financial tool: contingency allowance	reg 16	Inserted CFT 2015 reg 3
reg 4	Common financial tool: supporting statements and evidence	reg 17	Amended CFT 2015 reg 3
reg 5	Money Advice Trust licence requirements: report	reg 18	

Bankruptcy (Certificate for Sequestration) (Scotland) Regulations 2010 (S.S.I. 2010/397)

Existing provision	*Subject matter*	*Provision of Bankruptcy (Scotland) Regulations 2016*	*Remarks*
reg 5	certificate for sequestration: form and manner	reg 8	Form set out in Sch 1 of MADI 2014
reg 6	certificate for sequestration: fees	reg 9	
reg 7	certificate for sequestration: prescribed period	reg 10	
Schedule, Form	Certificate for sequestration	Sch 1, Form 2	Form replaced MADI 2014 reg 7(5) & Sch 1

Bankruptcy (Money Advice and Deduction from Income etc.) (Scotland) Regulations 2014 (S.S.I. 2014/296)

Existing provision	*Subject matter*	*Provision of Bankruptcy (Scotland) Regulations 2016*	*Remarks*

reg 3	Approved categories of money advisers	reg 4	
reg 4	Persons who may not be approved money advisers	reg 5	
reg 5	Other matters on which a debtor must obtain advice	reg 6.	
reg 6	Money advice on debtor applications: procedure on evidence and information	reg 7	
reg 8	Deduction from debtor's earnings and other income	reg 20	
Sch 1	Certificate for Sequestration	Sch 1, Form 2	Substitutes CfS 2010, Schedule
Sch 2, Form 1	Deduction from Income - Employee's Payment Instruction to Employer or Third Person	Sch 1, Form 19	
Sch 2, Form 2	Deduction from Income – Trustee's Payment Instruction to Employer or Third Person	Sch 1, Form 20	
Sch 2, Form 3	Deduction from Income – Payment Variation Instruction to Employer or Third Person	Sch 1, Form 21	