
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 261

**The Bankruptcy and Debt Advice (Scotland) Act 2014
(Commencement No. 2, Savings and Transitionals) Order 2014**

Savings and transitional arrangements

Sequestration before 1st April 2015

4.—(1) Except as mentioned in paragraph (3) and article 6, nothing brought into force by this Order has effect as regards any sequestration in respect of which—

- (a) the petition is presented before 1st April 2015; or
- (b) a debtor application was made before that date.

(2) The 1985 Act, as in force immediately before 1st April 2015, continues to apply and have effect in relation to any such sequestration.

(3) This article does not apply as regards the following provisions of the Act—

- (a) section 8 (moratorium on diligence),
- (b) section 12 (concurrent proceedings: recall),
- (c) section 20 (unclaimed dividends and unapplied balances),
- (d) section 22 (register of insolvencies),
- (e) section 24 (abolition of Edinburgh Gazette requirements),
- (f) section 25 (directions),
- (g) sections 26(1)(a), (2) and (3) and 27 (recall of sequestration),
- (h) section 34 (conversion of trust deed into sequestration),
- (i) sections 38 to 43 (review of decisions made by Accountant in Bankruptcy),
- (j) section 48 (renewal of inhibition period),
- (k) section 49 (division and sale of family home),
- (l) section 50 (effect of debtor discharge), and
- (m) in schedule 3—
 - (i) paragraph 3(a) (moratorium on diligence and register of insolvencies),
 - (ii) paragraphs 12 and 13 (expiry of inhibitory effect sequestration: recall),
 - (iii) paragraphs 25 and 26 (review by Accountant in Bankruptcy of adjudication of claims),
 - (iv) paragraph 31 (unclaimed dividends and unapplied balances), and
 - (v) paragraph 35(b), (c) and (e) (definitions of “common financial tool”, “DAS register”, “debtor contribution order” and “debtor’s contribution”).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) For the purposes of paragraph (1) the bankruptcy restrictions undertaking of a debtor is treated as sequestration of that debtor⁽¹⁾.

(1) Section 52 of and schedule 3, paragraph 3(b) and schedule 4 to the Act repeal provision for bankruptcy restrictions undertakings in Scotland.