

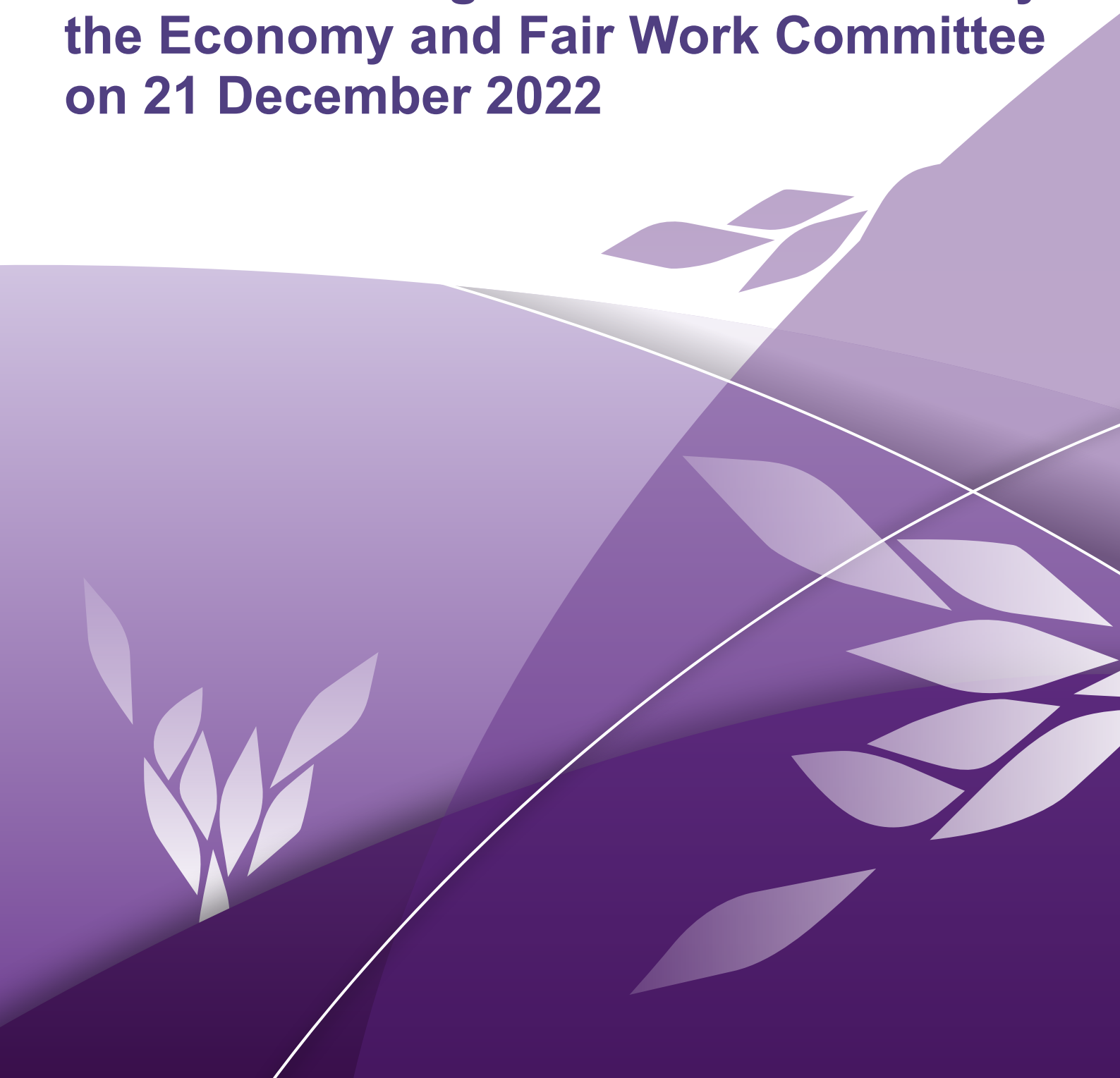


The Scottish Parliament
Pàrlamaid na h-Alba

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13th Report, 2022 (Session 6)

Economy and Fair Work Committee

Subordinate Legislation Considered by the Economy and Fair Work Committee on 21 December 2022



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Contents

The Bankruptcy and Debt Arrangement Scheme (Miscellaneous Amendment) (Scotland) Regulations 2023	1
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Economy and Fair Work Committee

To consider and report on matters relating to the economy falling within the responsibility of the Cabinet Secretary for Finance and the Economy.



economyandfairwork.committee@parliament.scot

Committee Membership



Convener
Claire Baker
Scottish Labour



Deputy Convener
Colin Beattie
Scottish National Party



Maggie Chapman
Scottish Green Party



Jamie Halcro Johnston
Scottish Conservative
and Unionist Party



Fiona Hyslop
Scottish National Party



Gordon MacDonald
Scottish National Party



Graham Simpson
Scottish Conservative
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Colin Smyth
Scottish Labour



Michelle Thomson
Scottish National Party

The Bankruptcy and Debt Arrangement Scheme (Miscellaneous Amendment) (Scotland) Regulations 2023

1. The Bankruptcy and Debt Arrangement Scheme (Miscellaneous Amendment) (Scotland) Regulations 2023 aim to update and improve existing statutory debt solutions in Scotland by amending—
 - [the Bankruptcy \(Scotland\) Act 2016](#) (the 2016 Act);
 - [the Debt Arrangement Scheme \(Scotland\) Regulations 2011](#); and
 - [the Bankruptcy Fees \(Scotland\) Regulations 2018](#).
2. The regulations make four substantive amendments—
 - Regulation 2 amends section 2(2) of the 2016 Act, removing the minimum debt threshold for entry into a [Minimal Asset Process \(MAP\) bankruptcy](#). The minimum debt threshold is currently £1,500.
 - Regulation 3(2) amends the Debt Arrangement Scheme (Scotland) Regulations 2011. It extends the application criteria for the [Debt Arrangement Scheme \(DAS\)](#) to include a reduction in disposable income of 50% or more for a deferment of payment of up to 6 months.
 - Regulation 4(2) amends the Bankruptcy Fees (Scotland) Regulations 2018 to extend the criteria for waiving bankruptcy application fees, including the removal of all application fees for MAP bankruptcy.
 - Regulation 4(3) amends the Bankruptcy Fees (Scotland) Regulations 2018 to increase the deposit that must be paid by creditors, where the Accountant in Bankruptcy is nominated as trustee in bankruptcy, to £750 (replacing the current fee of £300).
3. The Delegated Powers and Law Reform Committee [considered the instrument at its meeting on 6 December](#) and made no recommendations.
4. The Committee took evidence on the instrument from Tom Arthur MSP, Minister for Public Finance, Planning and Community Wealth at its meeting on 21 December.

Following the evidence session, the Minister moved motion S6M-06962—

That the Economy and Fair Work Committee recommends that the Bankruptcy and Debt Arrangement Scheme (Miscellaneous Amendment) (Scotland) Regulations 2023 be approved. be approved.

The motion was agreed to without division.

5. The Economy and Fair Work Committee recommends to the Parliament that the

Bankruptcy and Debt Arrangement Scheme (Miscellaneous Amendment)
(Scotland) Regulations 2023 be approved.

