

Nigel Don MSP
Convener
Delegated Powers and Law Reform Committee
Scottish Parliament
Edinburgh
EH99 1SP



11th February 2016

Dear Nigel,

I write with regard to my letter of 4 February 2016 in response to the Delegated Powers and Law Reform Committee's Stage 1 report.

I understand that it would assist the Committee to have clarification of the changes to the Bill at this stage that can be dealt with administratively as printing.

I can advise that from discussions with officials at the Parliament the following changes can be done as printing, as part of the normal process for Bills whereby non-substantial corrections that do not alter the legal effect of the Bill are adjusted administratively:-

1. section 4(2)(b), page 3, line 40 – to correct the formatting glitch as the “(b)” has disappeared
2. section 24, page 19, line 4, “Debtors (Scotland) Act 1987” rather than “Debtor’s”.
3. section 89(3), page 63, line 33 – needs a closing bracket at the end.
4. section 184(6) – formatting

I would also like to take this opportunity to highlight for the Committee two of the minor Government amendments lodged for Stage 2. These follow discussions with the Scottish Courts and Tribunals Service. The proposal, at their request, is to simplify the arrangements for commencement of the Bill. The Scottish Law Commission supports the proposed amendments.

The intention behind amendments 74 and 78 in my name is accordingly to amend sections 234(3)(a)(i) and 236(b) of the Bill so that the Bill would not apply to petitions or applications lodged before the commencement date for the Bill but where sequestration has been awarded by that date. This means the operational provisions of the Bill would simply apply as regards petitions and debtor applications for sequestration lodged after commencement. The aim is to assist the court authorities in handling petitions lodged before commencement, which will be able to proceed under the old law. The amendments do not affect the law consolidated by the Bill.



I hope you find this response helpful and I look forward to working with the Committee as the Bill continues its parliamentary passage.

Yours Sincerely

A handwritten signature in black ink, reading 'Fergus Ewing'. The signature is written in a cursive style with a large loop under the 'F' and a large loop under the 'E'.

Fergus Ewing