
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 141

The Debt Arrangement Scheme (Scotland) Regulations 2011

PART 7

VARIATION OF DEBT PAYMENT PROGRAMMES

Approval of a variation

38.—(1) The DAS Administrator must approve a variation proposed under regulation 37(1)(a), (b) or (c).

(2) The DAS Administrator must approve a variation proposed under regulation 37(1)(d) to (h) if the variation is fair and reasonable.

(3) The DAS Administrator in determining whether a variation is fair and reasonable—

(a) must have regard to—

- (i) the matters specified in regulation 25(2);
- (ii) the views of the debtor;
- (iii) the views of the other debtor in the case of a joint debt payment programme;
- (iv) the views of a creditor taking part in the programme and of any creditor making the application; and
- (v) the views of any money adviser who has provided advice to the debtor;
- (vi) whether any expenditure of the debtor declared in assessing disposable income appears to be necessarily incurred by the debtor; and
- (vii) any variation previously approved under regulation 37(1)(h); and

(b) may have regard to any other factor the DAS Administrator considers appropriate.

(4) Approval of a variation may be made subject to a condition under regulation 28.