
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

**The Debt Arrangement Scheme
(Scotland) Amendment Regulations 2013**

Revocation of debt payment programmes

14.—(1) After regulation 40(a) (revocation on sequestration in debtor application), insert—

“(aa) on an award of sequestration of the debtor’s estate where a creditor presented, or concurred in the presentation of, the petition for sequestration before approval of the programme(1);”.

(2) After regulation 40, insert—

“Death of a debtor

40A.—(1) A debt payment programme must be revoked by the DAS Administrator on intimation to the DAS Administrator of the death of the debtor.

(2) In paragraph (1), “the debtor” in relation to a joint debt payment programme refers to either debtor.”.

(3) In regulation 42(1)(c) (grounds for revocation), for “the aggregate of two such payments” substitute “the aggregate of payments due in a period of two months, beginning after the last payment is made”.

(4) In regulation 44 (notification of revocation)—

(a) in paragraph (2)(a) omit “and”;

(b) in paragraph (2)(b) omit “to”; and

(c) at the end of paragraph (2)(b) insert—

“(c) the debtor; and

(d) the payments distributor.”.

(5) After regulation 44, insert—

“Effect of revocation

44A.—(1) The revocation of a debt payment programme is to have no effect for 14 days immediately following the date on which the programme is revoked; and

(2) Where there is an application for review of a determination of the DAS Administrator to revoke a programme under regulation 47(3)(2), the revocation of the programme is to have no effect for 28 days after the date on which the application is made.”.

(1) A debt payment programme is approved from midnight on the day immediately before that on which the notice under regulation 26 of the DAS Regulations is entered in the DAS register (see regulation 26(2)).
(2) Regulation 47(3) is substituted by regulation 17 of these Regulations.