
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

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

Reviews and appeals

17. For Part 10, substitute—

**“PART 10
REVIEWS**

Application for review

47.—(1) A debtor or a money adviser acting on behalf of a debtor may, on any ground which may be raised in an appeal, apply for review of a determination of the DAS Administrator not to approve a debt payment programme.

(2) A creditor named in an application for a debt payment programme may, on any ground which may be raised in an appeal, apply for review of a determination of the DAS Administrator to—

- (a) dispense with the consent of the creditor;
- (b) approve a programme.

(3) A debtor or a money adviser acting on behalf of a debtor, a creditor participating in a debt payment programme or a creditor who has applied for variation of a programme on the grounds in regulation 37(1)(e) or (f) may, on any ground which may be raised in an appeal, apply for review of a determination of the DAS Administrator to—

- (a) attach a condition under regulation 28;
- (b) approve, or refuse to approve, a variation of a programme;
- (c) revoke a programme;
- (d) correct an accidental error in any determination and restore a debt payment programme under regulation 4A.

(4) An application under this regulation must be made—

- (a) within 14 days after the date of intimation of the determination to the debtor or creditor; and
- (b) in writing.

(5) Where an application has been made under this regulation, the DAS Administrator must intimate the application in writing to—

- (a) the debtor;
- (b) any creditor named in the application for a debt payment programme;
- (c) the money adviser who made the application for the programme;

- (d) each creditor taking part in the programme; and
- (e) any continuing money adviser for the debtor.

Procedure at review

47A. Where an application is made under regulation 47, the DAS Administrator must review the determination which is the subject of the application—

- (a) within 28 days of the application for review; and
- (b) on the basis of—
 - (i) the information provided in the application; and
 - (ii) any written representations received from the debtor, creditor or money adviser.

Decision

47B.—(1) Following review of a determination the DAS administrator may—

- (a) confirm its determination;
- (b) amend or alter its determination; or
- (c) revoke its determination and substitute a new determination.

(2) The DAS administrator must intimate in writing the result and the effect of the decision—

- (a) to the debtor;
- (b) to any creditor named in the application for a debt payment programme;
- (c) to the money adviser who made the application for the programme;
- (d) to each creditor taking part in the programme;
- (e) to any continuing money adviser for the debtor;
- (f) to the payment distributor; and
- (g) where there is a payment instruction under regulation 32, to an employer.

PART 10A

APPEALS

Appeals

47C.—(1) A debtor or a creditor may appeal to the sheriff on a point of law against a decision of the DAS administrator under regulation 47B.

(2) An appeal to the sheriff under paragraph (1)—

- (a) is to be by summary application; and
- (b) must be lodged within 14 days after the date of intimation to the appellant of the decision appealed against.

(3) The decision of the sheriff is final.”.