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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 234**

**DEBT**

**The Debt Arrangement Scheme  
(Scotland) Amendment Regulations 2009**

|  |         |                      |
|--|---------|----------------------|
| <i>Made</i>                                    | - - - - | <i>4th June 2009</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>5th June 2009</i> |
| <i>Coming into force</i>                       | - -     | <i>1st July 2009</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 2(3), 4(5), 5(4), 6(1), 7 and 62(2) of the Debt Arrangement and Attachment (Scotland) Act 2002<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Debt Arrangement Scheme (Scotland) Amendment Regulations 2009 and come into force on 1st July 2009.

**Amendments to the Debt Arrangement Scheme (Scotland) Regulations 2004**

2.—(1) The Debt Arrangement Scheme (Scotland) Regulations 2004<sup>(2)</sup> are amended in accordance with regulations 3 to 28.

3. In regulation 2 (interpretation)—

- (a) in paragraph (1), omit the definitions of “MATRICS” and “money adviser”; and
- (b) after paragraph (3) insert—

“(4) An application is sent by electronic means, if it is sent initially and received at its destination by means of electronic equipment for the processing (which expression includes digital compression) or storage of data and entirely created, transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means, but does not include electronic facsimile transmission or mobile telephonic text messaging.”.

4. For regulation 5(2) substitute—

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(1) 2002 asp 17 (“the Act”). Section 7 was amended by S.S.I. 2004/468 and the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) (“the 2007 Act”), sections 173, 209(1), 211 and 212 and schedule 4, paragraph 10, schedule 5, paragraph 30 and schedule 6, Part 1. Section 9(1) contains a definition of “prescribed” relevant to the exercise of statutory powers under which these Regulations are made.

(2) S.S.I. 2004/468 as amended by S.S.I. 2004/470 and 2007/187 and 262.

“(2) No fee for inspection of the DAS Register shall be paid by a non-profit-making body established in the United Kingdom, including a Government department, the police and any credit union, on proof to the satisfaction of the DAS Administrator of non-profit-making status.

(3) In this regulation a “non-profit-making body” is a body which is not organised for the primary purpose of making a profit.”

**5.—(1) For regulation 7 substitute—**

**“Advice of money adviser not required**

7. A debtor is entitled to make an application for the approval, or the variation, of a debt payment programme without obtaining the advice of a money adviser notwithstanding section 3(1) and (2) of the Act<sup>(3)</sup>.”

**(2) Omit—**

- (a) regulations 8 to 12 (money advisers);
- (b) regulation 18(3)(d) (information on the DAS Register);
- (c) regulation 43(1)(a) (grounds for revocation);
- (d) Schedule 4 (money adviser training); and
- (e) in Schedule 5, paragraph 8, “money advisers”.

**6. In regulation 15(1) (functions and duty of a payments distributor)—**

- (a) in sub-paragraph (a), for “a money adviser” substitute “the DAS administrator”; and
- (b) in sub-paragraph (c), for “money advisers” substitute “the DAS administrator”.

**7. In regulation 18 (information on the DAS Register)—**

- (a) in sub-paragraph (2)(za)<sup>(4)</sup> and paragraph (3), for “22(2A)” substitute “20(5)”; and
- (b) in sub-paragraph (2)(bb)(b) after “31(1)” insert “or (2)”.

**8. In regulation 20 (application for approval)—**

**(a) for paragraph (2), substitute—**

“(2) An application under paragraph (1)—

- (a) shall be in form 3; and
- (b) subject to paragraph (4) and regulation 2(4), shall be sent to the DAS administrator by electronic means.”; and

**(b) after paragraph (3) insert—**

“(4) Notwithstanding paragraph (2)(b), the DAS administrator may accept applications sent other than by electronic means where the DAS administrator considers it to be reasonable to do so.

(5) A debtor who intends to make an application under this regulation may give written intimation of that intention to the DAS administrator; but a debtor is not to give such intimation on more than one occasion in any period of 12 months.”

**9. In regulation 21 (debtors who may apply for approval)—**

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(3) Section 3(3) of the Debt Arrangement and Attachment (Scotland) Act 2002, inserted by section 212(3) of the Bankruptcy and Diligence etc. (Scotland) Act 2007, made section 3(1) and (2) subject to contrary provision made by regulations under section 7(1) of the Act.

(4) Inserted by [S.S.I. 2007/187](#).

- (a) omit paragraph (1); and
  - (b) in paragraph (2) after “approval” insert “by a debtor of a debt payment programme”.
10. In regulation 22 (consent of every creditor), for paragraphs (2) to (5) substitute—
- “(2) The DAS administrator shall submit a request for consent to each creditor known to the DAS administrator.
  - (3) The DAS administrator may dispense with the consent of a creditor where, within 35 days of making the request, consent has been obtained from—
    - (a) more than 50% of creditors by number; or
    - (b) creditors to whom are due more than 50% of the total debt included in a programme.
  - (4) Where a creditor does not consent to an application under paragraph (1), and that consent is not dispensed with, the approval of a debt payment programme under regulations 25 or 26 shall not be invalid by reason only of the lack of consent if the debtor did not know, and could not reasonably have known, the identity of the creditor.”.
11. For regulation 25(1) (approval of agreed programmes), substitute—
- “(1) The DAS administrator shall approve a debt payment programme where each creditor—
    - (a) has consented to an application for approval under regulation 22(1); or
    - (b) their consent has been dispensed with under regulation 22(3).”.
12. In regulation 26(2) (approval by the DAS administrator)—
- (a) after paragraph (a) insert—
    - “(aa) the number of debts in a programme;”;
  - (b) in paragraph (g) omit “(deemed or otherwise)”; and
  - (c) omit paragraph (h).
13. After regulation 26 (approval by the DAS administrator), insert—
- “Minimum amount payable**
- 26A.** The DAS administrator may not approve a debt payment programme under regulation 25 or 26 unless the minimum amount payable under the programme each month is the greater of—
- (a) £100; or
  - (b) 1% of the total amount of debt included in the programme.”.
14. In regulation 29(2) (standard conditions)—
- (a) in paragraph (e) for “money adviser for a programme” substitute “DAS administrator”; and
  - (b) in paragraph (f) for “money adviser for the programme” substitute “DAS administrator” and for “adviser” on each occasion where it appears substitute “administrator”.
15. For regulation 31 (notification of approval or rejection) substitute—
- “(1) Where a debt payment programme is approved—
    - (a) the DAS administrator shall send to the debtor written notice of—
      - (i) the approval; and
      - (ii) any condition attached under regulation 30; and
    - (b) the approval shall have effect in accordance with regulation 28(2).

(2) Where a debt payment programme is rejected the DAS administrator shall send to the debtor written notice of–

- (a) the rejection; and
- (b) the reasons for the rejection.

(3) The DAS administrator shall intimate–

- (a) the approval of an application to–
  - (i) each creditor known to the DAS administrator;
  - (ii) the clerk of a court that has made–
    - (aa) a conjoined arrestment order; or
    - (bb) an order or direction specified in regulation 26(2)(f)(ii) and (iii);
  - (iii) where payments are to be made under an earnings arrestment, the employer of the debtor; and
  - (iv) the payments distributor; or
- (b) the rejection of an application to each creditor known to the DAS administrator.”.

**16.** In regulation 31A(2)(b) (diligence in the period before a debt payment programme is approved<sup>(5)</sup>), for “31(1)” substitute “31(2)”.

**17.** In regulation 33 (payment instruction to employer)–

- (a) in paragraph (2), for “money adviser for the debt payment programme” substitute “DAS administrator”; and
- (b) in paragraph (4)–
  - (i) for “a money adviser” substitute “the DAS administrator”; and
  - (ii) omit “(3)”.

**18.** In regulation 35 (effect on a creditor)–

- (a) in sub-paragraph (1)(d), for “a money adviser” on each occasion where it appears substitute “the DAS administrator”; and
- (b) in paragraph (2) for “form 5(a)” substitute “writing”.

**19.** For regulation 37 (application for variation) substitute–

“(1) An application to the DAS administrator for variation of a debt payment programme may be made by a debtor or a creditor.

(2) Where an application is made under paragraph (1) the DAS administrator shall intimate the application to each creditor taking part in the programme.

(3) Where a creditor makes an application under paragraph (1), the creditor shall intimate the application to the debtor.

(4) An application under paragraph (1) shall be in form 8.”.

**20.** For regulation 40 (notification of approval or rejection of a variation) substitute–

“(1) Where a variation of a debt payment programme is approved the DAS administrator shall send to the debtor in writing–

- (i) notice of the approval of the variation and its effect; and
- (ii) written intimation of any condition attached under regulation 30.

- (2) Where an application for variation of a debt payment programme is rejected the DAS administrator shall send to the debtor in writing—
- (a) notice of the rejection; and
  - (b) the reasons for the rejection.
- (3) The DAS administrator shall intimate in writing the reasons for, and effect of, the approval or rejection of an application for variation to—
- (a) the payments distributor; and
  - (b) a creditor—
    - (i) taking part in the programme; and
    - (ii) who has applied for the variation.”.
21. In regulation 41 (revocation on sequestration), for “a petition” substitute “an application”.
22. In regulation 42(1)(a) (application for revocation) omit “a money adviser on behalf of”.
23. In regulation 43 (grounds for revocation), after paragraph (3) insert—
- “(4) On receipt of an application for revocation made under regulation 42, the DAS administrator shall provide the debtor with—
- (a) a debt advice and information package; and
  - (b) information about variation of debt payment programmes.
- (5) In this regulation “debt advice and information package” has the same meaning as in section 10(5) of the Act.”.
24. For regulation 45 (notification of revocation) substitute—
- “The DAS administrator shall intimate in writing the revocation of a debt payment programme and the reasons for the revocation to—
- (a) the debtor;
  - (b) each creditor known to the DAS administrator;
  - (c) the payments distributor; and
  - (d) where there is a payment instruction under regulation 33, the employer.”.
25. In regulation 47 (report of completion) for “money adviser for the programme” substitute “DAS administrator”.
26. For regulation 48 (notices by a money adviser: completion), substitute—

**“Early completion**

48. Where the creditors taking part in the programme agree in writing to completion before the end of the period of the programme, the DAS administrator shall intimate that agreement to the payments distributor.”.
27. In regulation 49 (notification of completion)—
- (a) omit paragraph (1); and
  - (b) for paragraph (2) substitute—

“(2) When a debt payment programme has been completed the DAS administrator shall intimate the completion in writing to—

    - (i) the debtor;
    - (ii) each creditor known to the DAS administrator; and

(iii) where there is a payment mandate under regulation 33, the employer.”.

**28.** In Schedule 1–

- (a) for form 3 (application for approval of a debt payment programme) substitute the form set out in Schedule 1;
- (b) for form 6 (payment instruction to employer) substitute the form set out in Schedule 2;
- (c) for form 8 (application for variation of a debt payment programme) substitute the form set out in Schedule 3;
- (d) for form 10 (application for revocation of a debt payment programme) substitute the form set out in Schedule 4; and
- (e) omit the following forms and the relative entries in the Arrangement of Forms:–
  - (i) form 1 (application for approval as a money adviser);
  - (ii) form 4 (proposal to creditor for a debt payment programme);
  - (iii) form 5 (notification of approval of a debt payment programme);
  - (iv) form 5(a) (notification of approval of a debt payment programme);
  - (v) form 9 (notification to creditor of determination of variation);
  - (vi) form 11 (notice of revocation);
  - (vii) form 13 (notice of completion by money adviser);
  - (viii) form 14 (confirmation of completion by DAS administrator); and
  - (ix) form 15 (notice to creditor of completion of a debt payment programme).

St Andrew’s House,  
Edinburgh  
4th June 2009

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 28(a)

The Debt Arrangement Scheme (Scotland) Regulations 2004

Application for Approval of a Debt Payment Programme

FORM 3

Section 1 – Personal Information

|   |  |  |
|---|--|--|
| 1 | Title  |  |
|   | Surname  |  |
|   | Forename(s)  |  |
|   | Any other names you are or have been known by                          |  |
| 2 | Date of birth  | DD/MM/YYYY   |
| 3 | Home Address   |  |
|   | Town   |  |
|   | County   |  |
|   | Postcode   |  |
|   | E-mail address   |  |
|   | Home Phone Number  |  |
| 4 | Have you lived at this address for more than 2 months?                 | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 5 | Are you self-employed?   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 6 | Do you have your own business?<br><i>If 'No' go to question 8</i>      | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 7 | Business Type (e.g. sole trader)                                       |  |
|   | Business Name (if applicable)  |  |
|   | Business address   |  |
|   | Town   |  |
|   | County   |  |
|   | Postcode   |  |
| 8 | Have you received any debt advice?<br><i>If 'No' go to question 10</i> | Yes <input type="checkbox"/> No <input type="checkbox"/> |

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|   |                                   |  |
|---|-----------------------------------|--|
| 9 | Who gave you debt advice?<br>Name |  |
|   | Name and address of organisation  |  |

**Section 2 – Other Information**

|    |   |     |                          |    |                          |
|----|---|-----|--------------------------|----|--------------------------|
| 10 | Have you previously applied for or had a Debt Payment Programme under DAS?  | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 11 | Are you repaying any debts under a Time to Pay Direction or a Time to Pay Order in Scotland?                      | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 12 | Are you repaying any debts under a Time Order under the Consumer Credit Act 1974?                                 | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 13 | Do you currently have a Trust Deed or Protected Trust Deed?   | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 14 | Are you currently bankrupt in Scotland or anywhere else in the UK?  | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 15 | Are you subject to a bankruptcy restrictions order or undertaking in Scotland or anywhere else in the UK?         | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 16 | Are you currently repaying any debts under a conjoined arrestment order?<br><i>If 'No' please go to Section 3</i> | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 17 | Has a creditor attempted to take you to court for any debt that is not included in that order?                    | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

**Section 3 – Your Income and Expenditure**

**Income**

|    |  |                                 |
|----|--|---------------------------------|
| 18 | What is your average income after deductions for tax and National Insurance?   | Amount £ _____ weekly / monthly |
| 19 | How much income do you have after you have paid all your outgoings?<br>(not including repayment of debts to be included in Debt Payment Programme) | Amount £ _____ weekly / monthly |

**Section 4 – Debt Repayment Proposal**

|    |   |                |
|----|---|----------------|
| 20 | What is the total amount of the debt to be included in your Debt Payment Programme?     | Amount £ _____ |
| 21 | Minimum amount payable each month<br>(which is the greater of £100 or 1% of total debt) |                |
| 22 | How much do you intend to pay per month towards your Debt Payment Programme?            |                |



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Amount £ \_\_\_\_\_ monthly

23 How do you intend to pay?

- Direct Debit
- Standing order
- Pay Point
- Payment Mandate (deduction from salary )

**If you have selected 'payment mandate', please give your employers details below**

|                        |  |
|------------------------|--|
| Name of employer       |  |
| Business address       |  |
|                        |  |
|                        |  |
|                        |  |
| Postcode               |  |
| Business phone number  |  |
| Business email address |  |
|                        |  |
| Your payroll number    |  |

24 **Debts to be included in Debt Payment Programme**

|   |                           |  |
|---|---------------------------|--|
| (a) Creditor's name, address (including postcode) | Amount £                  |  |
|   | Type of debt              |  |
|   | Account in the name of    |  |
|   | Account number            |  |
|   | Account sort code         |  |
|   | Creditor reference number |  |
|   |                           |  |
| (b) Creditor's name, address (including postcode) | Amount £                  |  |
|   | Type of debt              |  |
|   | Account in the name of    |  |
|   | Account number            |  |
|   | Account sort code         |  |
|   | Creditor reference number |  |

Do you need to list any more creditors? Yes  No  (If 'yes', please use separate page)

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**Section 5 – Assets**

25 Do you own all or part of any land or buildings? Yes  No   
*If 'No', go to Section 6*

26 Is the property you own or part own your home address? Yes  No   
*If 'Yes', go to Section 6*

27 Type of property (e.g. house, land etc)

|          |                      |
|----------|----------------------|
| Address  | <input type="text"/> |
| Town     | <input type="text"/> |
| Postcode | <input type="text"/> |

**Section 6 – Ethnicity**

We would be grateful if you could take the time to provide us with the following information for research purposes:

28 Gender Male  Female

29 To which ethnic group do you consider you belong?

30 Would you be willing to be contacted about taking part in future research on how the Debt Arrangement Scheme is working? Yes  No

SCHEDULE 2

Regulation 28(b)

The Debt Arrangement Scheme (Scotland) Regulations 2004

**Payment Instruction To Employer**

**FORM 6**

1 DAS case number 

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|---|---|---|
| D | A | S |
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2 Payment amount 

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| £ |  |  |  |  |
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**Employee details**

3 Title 

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Surname 

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Forename(s) 

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4 Home address 

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5 Pay reference or National Insurance number 

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**Employer details**

6 Name 

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Business address 

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Business phone number 

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**Payments distributor details**

|   |                  |  |
|---|------------------|--|
| 7 | Name             | <input style="width: 350px; height: 20px;" type="text"/> |
|   | Business address | <input style="width: 350px; height: 20px;" type="text"/> |
|   |                  | <input style="width: 350px; height: 20px;" type="text"/> |
|   | Town             | <input style="width: 350px; height: 20px;" type="text"/> |
|   | County           | <input style="width: 350px; height: 20px;" type="text"/> |
|   | Postcode         | <input style="width: 350px; height: 20px;" type="text"/> |
|   | Phone number     | <input style="width: 350px; height: 20px;" type="text"/> |

You are authorised until further notice to deduct the sum specified in section 2 from my net earnings on every pay day and to pay the sum deducted as soon as reasonably practicable to the payments distributor in section 7, quoting the "DAS case number" at section 1.

It is your duty under section 6 of the Debt Arrangement and Attachment (Scotland) Act 2002 and under regulation 33 of the Debt Arrangement Scheme (Scotland) Regulations 2004, as amended, to comply with this instruction.

You are entitled to charge a fee equivalent to the fee chargeable under section 71 of the Debtors (Scotland) Act 1987.

Signature of employee .....

Date .....

SCHEDULE 3

Regulation 28(c)

The Debt Arrangement Scheme (Scotland) Regulations 2004

Application for variation of a debt payment programme

FORM 8

Section 1 – Debtor details

1 DAS case number 

|   |   |   |
|---|---|---|
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|---|---|---|

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2 Date debt payment programme was approved 

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3 Title 

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Surname 

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Forename(s) 

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Any other names debtor has been known by 

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4 Date of birth 

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5 Home address 

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6 Business Name (if applicable) 

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Business address (if applicable) 

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7 Are you a creditor? Yes  No

If you have answered 'yes', go to section 2. If you have answered 'no', go to section 3

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**Section 2 – Creditor Application**

|   |               |  |
|---|---------------|--|
| 8 | Creditor name |  |
|   | Address       |  |
|   |               |  |
|   | Town          |  |
|   | County        |  |
|   | Postcode      |  |
|   | Phone number  |  |

**Grounds for variation**

9 Is there agreement between you and the debtor? Yes  No

10 Do you consider there has been a material change in the circumstances of the debtor? Yes  No

11 Has a debt that was due at the date of approval of the programme, been omitted from the programme due to a mistake, oversight or other reasonable cause? Yes  No

12 Is a debt that was known but not quantifiable at the date of approval of the programme, now quantified and due for payment? Yes  No

13 Provide full details in respect of each of questions 9 to 12 where the answer is 'yes'

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14 Has a copy of this form been given to the debtor Yes  No

(An application for variation will not be considered by the DAS Administrator unless you answer 'yes' to question 14)

15 I apply for a variation of the debt payment programme

Signature of employee .....

Date .....

Position in company

**Section 3 – Debtor Application**

**Grounds for variation**

16 Have you come to agreement with each creditor taking part in this programme? Yes  No

17 Is this variation for the purpose of 'freezing' interest and charges otherwise due to the creditors? Yes  No

18 Is there a material change in your circumstances? Yes  No

19 Do you need credit for an essential requirement? Yes  No

20 Provide full details in respect of each of questions 16 to 19 where the answer is 'yes'

21 Have you come to agreement with any creditor to cancel or discharge the liability to repay an amount? Yes  No

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22 Has a debt that was due at the date of approval of the programme, been omitted from or wrongly stated in the programme due to a mistake, oversight or other reasonable cause? Yes  No

23 Is a debt that was known but not quantifiable at the date of approval of the programme, now quantified and due for payment? Yes  No

24 Provide full details below in respect of each of questions 21 to 23 where the answer is 'yes'

|   |                           |  |
|---|---------------------------|--|
| (a) Creditor's name, address (including postcode) | Amount £                  |  |
|   | Type of debt              |  |
|   | Account in the name of    |  |
|   | Account number            |  |
|   | Account sort code         |  |
|   | Creditor reference number |  |
| (b) Creditor's name, address (including postcode) | Amount £                  |  |
|   | Type of debt              |  |
|   | Account in the name of    |  |
|   | Account number            |  |
|   | Account sort code         |  |
|   | Creditor reference number |  |

Do you need to list any more creditors? Yes  No  (If 'yes', please use separate page)

#### Section 4 – Your Income and Expenditure

##### Income

25 What is your average income after deductions for tax and National Insurance?  
Amount £ \_\_\_\_\_ weekly / monthly

26 How much income do you have after you have paid all your outgoings?  
(not including the Debt Payment Programme payment)  
Amount £ \_\_\_\_\_ weekly / monthly

27 How much do you currently pay towards your Debt Payment Programme?  
Amount £ \_\_\_\_\_ weekly / monthly

28 How much do you propose to pay towards your Debt Payment Programme?  
Amount £ \_\_\_\_\_ weekly / monthly



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29 Do you wish to change your method of payment? If so, tick your new method of payment.

- Direct Debit
- Standing order
- Pay Point
- Payment Mandate(deduction from salary )

30 Please provide any other relevant information

31 I apply for a variation of my debt payment programme

Signature .....

Date .....

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SCHEDULE 4

Regulation 28(d)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
Application for revocation of a debt payment programme

FORM 10

Section 1 – Debtor details

1 DAS case number    /     /

2 Date debt payment programme was approved

3 Title

Surname

Forename(s)

Any other names debtor has been known by

4 Date of birth

5 Home address

Town

County

Postcode

6 Business name (if applicable)

Business address (if applicable)

Town

County

Postcode

7 Are you a creditor taking part in the programme? Yes  No

*If you have answered 'yes', go to section 2. If you have answered 'no', go to section 3*

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**Section 2 – Creditor Application**

|   |               |  |
|---|---------------|--|
| 8 | Creditor name |  |
|   | Address       |  |
|   |               |  |
|   |               |  |
|   | Town          |  |
|   | County        |  |
|   | Postcode      |  |
|   | Phone number  |  |

**Grounds for revocation**

- 9 Has the debtor been made bankrupt Yes  No
- 10 Has the debtor failed to satisfy a standard condition under regulation 29 or a discretionary condition under regulation 30? Yes  No
- 11 Has the debtor made a false statement in their application? Yes  No
- 12 Has the debtor failed to make an instalment under the programme, which means that they are now in arrears of an amount equal to 3 payments? Yes  No

13 Provide full details in respect of each of questions 9 to 12 where the answer is 'yes'

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14 The DAS Administrator may have regard to any factor that is considered appropriate in all the circumstances. Use this box to provide any further information that you believe is relevant.

15 I apply for revocation of the Debt Payment Programme

Signature .....

Date .....

Position in company

**Section 3 – Debtor Application**

**Grounds for revocation**

16 Have you applied for your own bankruptcy? Yes  No

17 Have you failed to satisfy a standard or discretionary condition of your Debt Payment Programme? Yes  No

18 Have you made a false statement in your application? Yes  No

19 Have you failed to make an instalment under the programme, which means that you are now in arrears of an amount equal to 3 payments? Yes  No

20 Provide full details in respect of each of questions 16 to 19 where the answer is 'yes'

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- 21 The DAS Administrator may have regard to any factor that is considered appropriate in all the circumstances. Use this box to provide any further information that you believe is relevant.

- 22 Do you understand that revocation of your Debt Payment Programme means that any interest or charges which were frozen at the date the programme was approved can again become due? Yes  No

- 23 I apply for revocation of the debt payment programme

Signature .....

Date .....

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Debt Arrangement Scheme (Scotland) Regulations 2004 (“the principal Regulations”).

Regulation 3 removes from regulation 2 of the principal Regulations definitions which are no longer required and inserts a description of “electronic means” for the purpose of making online applications.

Regulation 4 amends regulation 5 of the principal Regulations to make searches of the Debt Arrangement Scheme (“DAS”) Register free of charge to non-profit-making bodies.

Regulation 5 substitutes a new regulation 7 which provides that a debtor is entitled to make applications under DAS without having obtained the advice of a money adviser. It also removes provisions referring to money advisers, who are no longer to be part of the DAS process. Some of their functions are to be taken over by the DAS administrator and regulations 6, 7, 14, 16 17, 18, 19, 22, 24, 25, 26 and 27 make consequential amendments.

Regulation 8 amends regulation 20(2) of the principal Regulations to provide that applications for approval of a debt payment programme may be in electronic form and that debtors may intimate an

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intention to apply for approval of a debt payment programme to the DAS Administrator but only once every 12 months.

Regulation 9 amends regulation 21 of the principal Regulations to remove the requirement that a debtor must have two or more debts before applying for approval of a debt payment programme.

Regulation 10 amends regulation 22 of the principal Regulations, which deals with the consent of creditors, to remove deemed consent and to give the DAS administrator a power to dispense with consent.

Regulation 11 amends regulation 25(1) of the principal Regulations to provide that applications shall be approved where the consent of creditors has been dispensed with.

Regulation 12 amends regulation 26 of the principal Regulations, which deals with the criteria to be taken into account by the DAS administrator when considering whether it is fair and reasonable to approve a debt payment programme where the consent of all creditors not been obtained or dispensed with to take into account the changes introduced by regulations 10 and 11 of these Regulations.

Regulation 13 introduces a minimum amount which can be paid monthly by inserting regulation 26A into the principal Regulations.

Regulation 15 substitutes a new regulation 31 of the principal Regulations, which deals with notification of approval or rejection of applications.

Regulation 20 deals with notification of approval or rejection of a variation and substitutes a new regulation 40 into the principal Regulations.

Regulation 21 makes a minor amendment to regulation 41 of the principal Regulations to reflect the terminology in the Bankruptcy and Diligence etc. (Scotland) Act 2007.

Regulation 23 amends regulation 43 of the principal Regulations to provide that a debtor who applies for revocation shall be provided with debt advice and information on variation.

Regulation 28 amends Schedule 1 to the principal Regulations to omit forms and to substitute the forms set out in Schedules 1 to 4 of these Regulations.