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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 141**

**The Debt Arrangement Scheme (Scotland) Regulations 2011**

**PART 7**

**VARIATION OF DEBT PAYMENT PROGRAMMES**

**Grounds for variation**

- 37.**—(1) An application for variation of a debt payment programme may be made—
- (a) on agreement between a debtor and each creditor participating in the programme;
  - (b) on agreement between a debtor and a creditor that a liability of the debtor to repay a sum is to be discharged;
  - (c) so interest, fees, penalties and other charges are not payable as provided for in regulations under section 7A of the Act;
  - (d) on a material change in the circumstances of a debtor;
  - (e) where a debt due at the date of approval of that programme was omitted from, or was wrongly assessed for the programme due to a mistake, oversight, or other reasonable cause;
  - (f) where a future or contingent debt, known but not quantifiable at the date of approval of the programme, is quantified and due for payment;
  - (g) where a debtor requires credit to meet an essential requirement; and
  - (h) where a debtor wishes to defer payments for a period of 6 months, with the period of the debt payment programme extended for an equal period, where circumstances specified in paragraph (3) have resulted in a reduction in the debtor's disposable income of 50% or more.
- (2) An application for variation shall not be made in respect of any other debt of a debtor.
- (3) The circumstances for the purposes of paragraph (1)(h) are—
- (a) a period of unemployment or change in employment;
  - (b) a period of leave from employment for maternity, paternity, adoption or to care for a dependant;
  - (c) a period of illness of the debtor;
  - (d) divorce, dissolution of civil partnership or separation from a person to whom the debtor is married or the civil partner;
  - (e) death of a person with whom the debtor shared care (financial responsibilities or otherwise).
- (4) In paragraph (1)(h), “disposable income” means disposable income calculated on the same basis as set out in form 1 (on the basis of equivalent details provided on form 3).