

SCHEDULE 1

Regulation 8(6)

Common Financial Tool: Debt Arrangement Scheme

“SCHEDULE A1

Regulation 2(1)

Common Financial Tool

1. Regulations 3 to 5 of the Common Financial Tool etc. (Scotland) Regulations 2014⁽¹⁾ apply to the approval of a debt payment programme as they apply to assessing the appropriate amount of a living debtor’s income to be paid to a trustee after the sequestration of the debtor’s estate with the modifications set out in this Schedule.

2. Those Regulations apply as if for references to the Accountant in Bankruptcy, trustee or the court there were substituted references to the DAS Administrator or the court.

3. Regulation 3(7) (deeming income solely from benefits as making no contribution) does not apply.

4. Regulation 3(8) to (10) (pensions and aliment under the Family Law (Scotland) Act 1985⁽²⁾) does not apply.

5. Regulation 3(11) (guidance) applies as if the guidance issued by the Accountant in Bankruptcy was guidance issued by the DAS Administrator under regulation 12(5) of these Regulations.

6. Regulation 4 (supporting statements and evidence) applies as if for references to a debtor application, initial proposals or an application for review or appeal there were substituted a reference to an application for approval or variation of a debt payment programme.”

(1) S.S.I. 2014/290.

(2) 1985 c.37.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Regulation 21

FORMS

Regulation 20(2) and 20(2B)

The Debt Arrangement Scheme (Scotland) Regulations 2011

FORM 1
APPLICATION FOR APPROVAL OF A DEBT PAYMENT PROGRAMME: INDIVIDUALS

SECTION 1

1 Details of Applicant (money adviser)

Unique ID Number	
Name	
Address	
Contact Name (if different)	
Phone No.	

SECTION 2

2 Details of the debtor(s) applying for a Debt Payment Programme (DPP)

2a. Details of the debtor

Surname									
First Name(s)									
Any other name the debtor has been known by									
Date of Birth (DD/MM/YYYY)	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px;"> </td> <td style="width: 20px;">-</td> <td style="width: 20px;"> </td> <td style="width: 20px;">-</td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> <td style="width: 20px;"> </td> </tr> </table>		-		-				
	-		-						
Address									
Town									
Postcode									
Email address (if applicable)									
Telephone – Home									
Telephone - Mobile									
Business Name (if applicable)									
Business Address									
Town									
Postcode									

2b. Is this application a result of a revoked joint application? Yes No

2c. Is this a joint application? Yes No

If 'no', go to Section 3.
If 'yes', are the debtors jointly and severally liable for any debt? AND Yes No

If 'yes', do the debtors applying for a joint DPP meet the criteria in Regulation 22(1)?

- a) husband and wife to each other
- b) civil partners of each other
- c) living together as husband and wife
- d) the same sex living together as in a husband and wife relationship

If 'no', DO NOT PROCEED with a joint DPP.

2d. Do both debtors consent to a joint application? Yes No

If 'yes', complete 2e. If 'no', DO NOT PROCEED with a joint DPP.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2e. Details of the other debtor in a joint DPP

Surname	
First Name(s)	
Any other name the debtor has been known by	
Date of Birth (DDMM/YYYY)	
Address	
Town	
Postcode	
Email address (if applicable)	
Telephone – Home	
Telephone – Mobile	
Business Name (if applicable)	
Business Address	
Town	
Postcode	

SECTION 3

3 Eligibility to Apply

Debtor(s) must satisfy a number of conditions to be eligible to apply for approval of a DDP

3a. Is the programme for ONE debt only? Yes No

If 'yes', is the debtor involved in a time to pay dispute, time to pay order or time order for the debt in the DPP? Yes No

If 'yes' to this second question, the debtor is NOT eligible to apply for a programme where his debt is for only credit (Reg 2(2))

3b. Is the debtor, or in the case of a joint application, either of the debtors paying any debt under a conjoined arrestment order? Yes No

If 'yes', has a creditor, including a creditor of a debt being paid under a conjoined arrestment order in respect of another debt, attempted to enforce a debt due by the debtor by any lawful means? Yes No

If 'no', the debtor is NOT Eligible for a programme (Reg 2(4))

3c. Is the debtor, or in the case of a joint application, either of the debtors:

i) currently an undischarged bankrupt in Scotland, England or Wales? Yes No

ii) currently subject to a bankruptcy restrictions order (BRO) or bound by a bankruptcy restrictions undertaking (BRU)? Yes No

If 'yes' to any i) or ii), the debtor is NOT Eligible for a programme (Reg 2(5))

3d. Has the debtor, or in the case of a joint application, either of the debtors granted a trust deed that has become protected? Yes No

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

If 'yes', the debtor is NOT Eligible for a programme. (Reg. 21(2))

SECTION 4

4 Debt to be included in the Debt Payment Programme

Where this is a joint application, debts for which both debtors are jointly and severally liable should be listed separately.

4a. The following are debts which are to be included in the programme owed by (debtor's name)

Creditor's Name, address (incl. postcode)	Creditor ID ref.	Account number	Amount owed		Payment offer (per instalment)	
			£	p	£	p

Complete (i) and (ii) for joint applications only.

4a. i) The following are debts which are to be included in the programme owed by (debtor's name)

Creditor's Name, address (incl. postcode)	Creditor ID ref.	Account number	Amount owed		Payment offer (per instalment)	
			£	p	£	p

4a. ii) The following are joint and severally liable debts which are to be included in the programme.

Creditor's Name, address (incl. postcode)	Creditor ID ref.	Account number	Amount owed		Payment offer (per instalment)	
			£	p	£	p

4b. Total debt to be included in the programme.

TOTAL DEBT	£	p
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4c. Is the debtor, or in the case of a joint application, either of the debtors, subject to any arrestment or arrestment of their income? Yes No

If 'yes', provide additional information to the DAS Administrator

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 5

5 Financial statement of the debtor(s) (the Common Financial Tool)

Salary and wages

Income	Amount (£)	Frequency
Debtor's salary/wages		
Partner's salary/wages		

Total

Pensions

Pension(s)	Amount (£)	Frequency
State Pension(s)		
Private or work pension(s)		
Pension Credit		

Total

Other income

Other income	Amount (£)	Frequency
Maintenance or child support		
Boarders or lodgers		
Non-dependant contribution		
Student loans or grants		
(To be completed with any other household income)		

Total

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Benefits

Type of benefit	Amount (£)	Frequency
Jobseeker's Allowance		
Income Support		
Working Tax Credits		
Child Tax Credits		
Employment and Support Allowance		
DLA, PIP or Attendance Allowance		
Carer's Allowance		
Housing Benefit/Local Housing Allowance		
Council Tax Reduction		
Universal Credit		
(Other)		
(Other)		
(Other)		

Total

Please use the space provided below to give details of any benefit listed under "other"

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Expenditure

Essential expenditure	Amount	Frequency
Rent		
Ground rent, service charges, tax or fees		
Mortgages		
Other Secured Loans		
Building and Content Insurance		
Pension and Life Insurance		
Council Tax		
Gas		
Electricity		
TV Licence		
Magistrates: Sheriff Court Fees		
Maintenance or Child Support		
Hire Purchase/Conditional Sales		
Other Costs		
Adult Care Costs		
Total		_____

Phone	Amount	Frequency
Home Phone		
Mobile Phone(s)		
Total		_____

Travel	Amount	Frequency
Public Transport (work, school, shopping, etc)		
Car Insurance		
Vehicle Tax		
Fuel (Petrol, Diesel, Oil, etc)		
MOT and car maintenance		
Breakdown and Recovery		
Parking Charges or Tolls		
Total		_____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Housekeeping	Amount	Frequency
Food and Milk		
Cleaning and Toiletries		
Newspapers and Magazines		
Cigarettes Tobacco and Sweets		
Alcohol		
Laundry and dry cleaning		
Clothing and Footwear		
Nappies and baby items		
Pet Food		

Total

Other expenditure	Amount	Frequency
Health (dentist, glasses, prescriptions, health insurance)		
Repairs/house maintenance (including window cleaning, maintenance contracts)		
Hairstyling/haircuts		
Cable, Satellite and Internet		
TV, video and other appliance rental		
School meals and meals at work		
Pocket money and school trips		
Lottery and Pools etc.		
Hobbies/leisure/sport (include pub outings, etc.)		
Gifts (Christmas Birthday, Charity etc.)		
Vet Bills and Pet Insurance		

Total

All other expenses not covered above	Amount	Frequency

Total

Total Income
 Total Expenditure
 Surplus Income

5b. The debtor, or the debtors in the case of a joint DPP, propose(s) the following:

i) Total payment offer of over instalments

Payment frequency
 Weekly Fortnightly Monthly 4 weekly

ii) Lump sum offer of

iii) Lump sum to be paid on the following date or dates:

iv) Realisation of the following asset(s) for the benefit of creditors:

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SECTION 6

6 Payment Details

6a. The debtor, or the debtors in the case of a joint application, agree to make the first payment under the programme during the period of 42 days immediately following the date on which the DPP is approved. Yes No

6b. The debtor, or the debtors in the case of a joint application, agree to make all payments to the Payments Distributor detailed below or to any other Payments Distributor notified by the DAS Administrator:

Payments Distributor
Address

6c. The debtor, or the debtors in the case of a joint application, understand that the Payments Distributor will deduct _____% from the payment due to the creditors to cover their costs, in addition to 2% application fee. Yes No

6d. The debtor(s) wish to pay using one of the following payment methods (tick preferred method):

- Direct Debit
- Standing Order
- Cheque
- Postal Order
- PayPoint
- E-Banking
- Payment Mandate from salary/wages
- Specify other: _____

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6e. If the debtor(s) selected Direct Debit or Standing Order, provide bank account details:

Name of bank	
Name of account holder(s)	
Bank account number	
Sort Code	
Preferred date for the payment to be made on	

6f. If the debtor(s) selected payment direct from salary or wages, provide employer's details:

Name of Employer	
Address	
Town / City	
Postcode	
Business telephone number	
Business e-mail address	
Debtor's Employee NI number	
Debtor's Employee paysheet number	

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SECTION 7

7a. The debtor, or debtors in the case of a joint application, understand that if the programme is approved they must meet the following conditions:

- (E) make all payments under a programme as they fall due _____
- (b) pay a continuing liability when due for payment; _____
- (c) make no additional payment to a creditor to a debt that is included in the programme; _____
- (d) not apply for or obtain credit beyond that permitted by DAS Regulations; _____
- (e) notify the Accountant in Bankruptcy (1 Ferryburn Road, Kilmarnock) and, if applicable, their continuing money adviser of any:
 - (i) change of address; or
 - (ii) material change of circumstances within 7 days of becoming aware of the change; _____
- (f) within 10 days after receipt by the debtor of a written request, provide such information or evidence on their financial assets or liabilities as requested; _____
- (g) make all payments in respect of credit obtained under the Regulations as they fall due; _____
- (h) give all notices and information which are required to be given under the Regulations; _____
- and
- (i) calculate and submit when due a tax or duty return or declaration, and pay the tax or duty so returned, in respect of _____

7b. The debtor, or debtors in the case of a joint application, understand that if the programme is approved they may be bound by any other reasonable condition as specified by the DAS Administrator intended to secure completion of the programme. Yes

7c. The debtor, or debtors in the case of a joint application, agree that any personal information provided to the DAS Administrator will be used to discharge their statutory functions under the Debt Arrangement and Attachment (Scotland) Act 2002 and other relevant legislation (including placing their details on the DAS register) but personal information will not be disclosed to third parties except as provided by legislation. Yes

7d. The debtor, or debtors in the case of a joint application, understand that the DAS Administrator (or an agent acting on their behalf) may also contact them to discuss their experience as part of our ongoing commitment to customer service.
Does the debtor agree to being contacted in this way? Yes No

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SECTION 8

The DAS Administrator in determining whether to approve a programme may consider information provided by the debtor, or declare in the case of a joint DPP, the extent to which creditors have consented to a programme and any comment made by the money adviser who has provided advice to the debtor(s). The DAS Administrator is to have regard to the Common Financial Tool and any statement or evidence required in the application of the Common Financial Tool. The DAS Administrator may consider the fair and reasonable conditions set out in the regulations, including the term of the programme and may also have regard to any other factor the DAS Administrator considers appropriate.

B. Provide any supporting information or comments below that you wish the DAS Administrator to take into consideration.

Supporting information:

SECTION 9

9. Declaration by Money Adviser

I declare that the debtor, or in the case of a joint application the debtors, received appropriate financial advice and information about applying for a DPP, including the conditions which apply and that their information will be held on a DAS Register. Yes No

I declare that the debtor, or in the case of a joint application the debtors, have consented to proceed with this application without signing this declaration. Yes No

I confirm that, in accordance with Regulation 12(1)(c) of the Debt Arrangement Scheme (Scotland) Regulations 2011 (as amended), I have assessed the debtor's contribution in accordance with Common Financial Tool (CFT) and the CFT has been used in the calculation.

I confirm that the Common Financial Statement (CFS) trigger figures have not been used in this calculation and have not been exceeded. *

The Common Financial Statement (CFS) trigger figures have been exceeded in the following category/categories and the reason(s) are: *

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* Delete as appropriate

I confirm that Common Financial Statement (CFS) allowances for dependent(s) and/or vehicle(s), that have been used in this calculation, have not to the best of my knowledge and belief been reported in any other income and expenditure assessment carried out in respect of a household for any other individual.

10. Signature of Debtor(s)

(Where form not submitted on debtor(s) declaration in Section B above)

I apply for approval of the debt payment programme (DPP) set out in this application and declare that I have received appropriate financial advice and information about applying for a DPP including the conditions which apply. I also understand that information about my DPP will be held on the FAS Register.

Signature of Debtor _____ date _____

Signature of other debtor in a joint DPP _____ date _____

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Regulation 20(2)

The Debt Arrangement Scheme (Scotland) Regulations 2011

FORM 1B

APPLICATION FOR APPROVAL OF A DEBT PAYMENT PROGRAMME: LEGAL PERSONS AND OTHER ENTITIES

SECTION 1

1 Details of money adviser (as defined at regulations 8(a) and 8A of the Debt Arrangement Scheme (Scotland) Regulations 2011 ("the Regulations"))

AiB Reference Number	
Money adviser Reference Number	
Name	
Address	
Contact Name (if different)	
Phone Number	
Email address	

SECTION 2

2 Details of the legal person/ trust/ unincorporated body of persons ("business") applying for a Debt Payment Programme (a "business DAS DPP")

2a. Details of the business

Business Name (if applicable)	
Business Address	
Town	
Postcode	
Telephone Number	
Email address	

2b. Details of the nominated person for the business (in accordance with regulation 22A(7)(b) of the Regulations)

Nominated Person

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2c. Details of the individuals in the business required to consent to this application (as set out at regulation 22A(2)(a) (for a partnership), 22A(3) (for a limited partnership), 22A(4) (for a trust) or 22A(5) (for a corporate body or unincorporated body of persons))

Individual 1	
Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 2	
Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 3	
Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 4	
Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Please attach details of any other individuals in the business required to consent to this application at the end of the form annotated with the AIB business DAS Reference Number.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2d. Is this application a result of a revoked business DAS application? Yes No

If yes, please provide the previous business DAS AIB reference number

If yes, please provide names of the individuals who consented to the previous Business DAS arrangement (under regulation 22A(2)(a), (3), (4) or (5))

Name _____
Name _____
Name _____
Name _____

2e. Are any members of the business listed at question 2c) of this form currently in a DPP as an individual debtor (a "personal DAS DPP")?

If yes, please provide the following details:

Name of individual _____
Personal DAS DPP reference number _____

Name of individual _____
Personal DAS DPP reference number _____

Name of individual _____
Personal DAS DPP reference number _____

Name of individual _____
Personal DAS DPP reference number _____

2f. Are any debts owed by the business currently included in a personal DAS DPP?

If yes, please provide the following details:

Name of individual _____
Personal DAS DPP reference number _____
Name of Creditor _____
Address of Creditor _____

Amount of debt outstanding _____
Creditor Reference number _____

Name of individual _____
Personal DAS DPP reference number _____
Name of Creditor _____
Address of Creditor _____

Amount of debt outstanding _____
Creditor Reference number _____

Name of individual _____
Personal DAS DPP reference number _____
Name of Creditor _____
Address of Creditor _____

Amount of debt outstanding _____
Creditor Reference number _____

Name of individual _____

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Personal DAS DTT reference number	
Name of Creditor	
Address of Creditor	
Amount of debt outstanding	
Creditor Reference number	

Please attach details of any other individuals or debts for questions 2e) and 2f) of this form at the end of the form annotated with the AIB personal DAS Reference Number.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 3

3 Eligibility to Apply

The business must satisfy a number of conditions to be eligible to apply for approval of a business DAS DPP.

3a. Is the programme for more than one debt? Yes No
If 'No', the business is NOT eligible to apply for a programme (regulation 21(1)(b)).

3b. Is the business currently an undischarged bankrupt in Scotland, England or Wales? Yes No
If 'yes', the business is NOT eligible to apply for a programme (regulation 21(2)).

3c. Has the business been granted a trust deed that has become protected? Yes No
If 'yes', the business is NOT eligible to apply for a programme (regulation 21(2)(b)).

3d. Has evidence (including any founding documents) of the legal status of the business been obtained? (regulation 22A(7)(a)) Yes No

3e. Have the required consents to the application for the programme been obtained? (regulation 22A(6)) Yes No

3f. Has a declaration of viability been issued to the business? (regulation 22A(7)(c)) Yes No

Please provide evidence with the application for questions 3d to 3f.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 4

4. Assets and debts to be included in the business DAS DPP

4a. Assets

Non-trading assets (as defined in regulation 27(4))

Asset	Estimated/agreed value of asset

All other assets

Asset	Estimated/agreed value of asset

4b. The following are the debts to be included in the programme owed by.....(business name)

Creditor's name, address (incl. postcode)	Creditor ID reference	Account number	Amount owed	
			£	p

4c. Total debt to be included in the programme

Total Debt	£	p
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Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4d. Is the business subject to any arrestment or is any income or property of the business subject to any arrestment?

Yes No

If 'yes', provide further details to the DAS Administrator

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 5

5 Financial statement of the business

5a. The following is the forecast net income and expenditure of.....(business name)

Forecast	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 8	Month 10	Month 11	Month 12	Total
Cash inflow													
Expenditure													
Surplus													

Please confirm that a full Cash Flow Statement has been attached to the application

5b. The business proposes the following:

i) Total payment offer of over instalments

Payment frequency

Weekly Fortnightly Monthly 4 weekly

ii) Lump sum offer of

iii) Lump sum to be paid on the following date or dates:

iv) Realisation of the following non-trading asset(s) for the benefit of creditors (as agreed by the business's money adviser):

v) Payment Offer to creditors:

Creditor's Name, address (incl. Postcode)	Creditor ID reference	Creditor Account Number	Amount Owed		Payment Offer (per instalment) including fee deduction		Lump sum payment offer		Total offer to creditors	
			£	p	£	p	£	p	£	p

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 6

6 Payment Details

6a. The business agrees to make the first payment under the programme during the period of 42 days immediately following the date on which the business DAS DPP is approved

Yes No

6b. The business agrees to make all payments to the Payment Distributor detailed below or to any other Payment Distributor notified by the DAS Administrator:

Yes No

Payment Distributor
Address:

--

6c. The business understands that the Payment Distributor will deduct...% from the payment due to the creditors to cover their costs, which is in addition to the 2% application fee.

Yes No

6d. The business wishes to pay using one of the following payment methods
(tick preferred method)

- Direct Debit
- Standing Order
- Cheque
- Postal Order
- PayPoint
- E-Banking
- Specify other: _____

6e. If the business selected direct debit or standing order, provide bank account details:

Name of bank

Name of account holder(s)

Bank account number

Sort Code

Preferred date for the payment to be made is

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 7

7a. The business understands that if the programme is approved they must meet the following conditions:

- (a) make all payments under a programme as they fall due _____
- (b) pay a continuing liability when due for payment; _____
- (c) except for a continuing liability, make no payment to a creditor taking part in the programme other than a payment under the programme;
- (d) not apply for or obtain credit beyond that permitted by the Regulations _____
- (e) notify the money adviser of any—
 - (i) change of address; _____
 - (ii) material change of circumstances including information which materially affects the cessation of viability, within 14 days of becoming aware of the change;
- (f) within 10 days after receipt by the business of a written request, provide such information or evidence on their income, assets or liabilities as requested _____
- (g) make all payments in respect of credit obtained under the Regulations as they fall due;
- (h) fully cooperate with the money adviser carrying out the regular reviews of the business's circumstances during the application process and during the lifetime of the DAF;
- (i) give all notices and intimations which are required to be given under the Regulations
- (j) complete and submit when due, a tax or duty return or declaration and pay the tax or duty so returned or declared; _____
- (k) notify the DAS Administrator as soon as reasonably practicable of a money adviser ceasing to act for them for any reason other than the resignation, or revocation or suspension or approval of the adviser; _____
- (l) declare all assets owned by the business to the money adviser by the date of the annual review;
- (m) no selling non-trading assets unless for the benefit of creditors and with the approval from the money adviser.
- (n) make all payments due under the programme within 5 years of the date of the application.

7b. The business understands that if the programme is approved, they may be bound by any other reasonable conditions as specified by the DAS Administrator intended to secure completion of the programme

7c. The business agrees that any personal information provided to the DAS Administrator or the money adviser will be used to discharge their statutory functions under the Debt Arrangement and Attachment (Scotland) Act 2002 and other relevant legislation (including placing both the business details and the personal details of specified individuals within the business on the DAS public register) but personal information will not be disclosed to third parties except as provided by legislation

7d. The business understands that the DAS Administrator (or agent acting on their behalf) may also contact them to discuss their experience as part of our on-going commitment to customer service.

Does the business agree to being contacted for this purpose? Yes No

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 8

The DAS Administrator in determining whether to approve a programme may consider, among other things:

- Information provided by the debtor,
- The extent to which the creditors have consented to a programme, and
- Any comment made by the money adviser who has provided advice to the debtor.

The DAS Administrator may consider the fair and reasonable conditions set out in the Regulations, including the term of the programme and may have regard to any other factor the DAS Administrator considers appropriate.

B. Provide any supporting information or comments below that you wish the DAS Administrator to take into consideration.

Supporting information:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 9

9. Declaration by money adviser

I declare that the business received appropriate financial advice and information about applying for a DPP, including the conditions that apply and that the business and the individuals in the business who have consented to the application will have their details held on a DAS Register

Yes No

If the business is a partnership:

I declare that every partner in the business has consented to proceed with this application without signing this declaration

Yes No

If the business is a limited partnership:

I declare that every general partner in the business (and any limited partner in the business who at any time has taken part in the management of the business) has consented to proceed with this application without signing this declaration

Yes No

If the business is a trust:

I declare that the majority of trustees in the business have consented to proceed with this application without signing this declaration

Yes No

If the business is a corporate body other than a company registered under the Companies Act 2006 or an unincorporated body of persons:

I declare that a person authorised to act on behalf of the business has consented to proceed with this application without signing this declaration

Yes No

If the business is a registered Scottish charity or a Scottish charitable incorporated organisation (SCIO) within the meaning of the Charities and Trustee Investment (Scotland) Act 2005:

I declare that the Office of the Scottish Charity Regulator (OSCR) has been notified of this application and I attach written confirmation of this from OSCR

Yes No

SECTION 10

10. Signature of all of the individuals listed at question 2c) of this form

(Where form not submitted on the declaration in section 9 above)

I apply on behalf of the business for approval of the DPP and declare that the business has received appropriate financial advice and information about applying for a DPP, including the conditions that apply. I declare that the business and the individuals in the business who have consented to the application understand that their details will be held on a DAS Register.

Signature on behalf of the business _____ Date _____

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 29(4)(a)(ii)

The Debt Arrangement Scheme (Scotland) Regulations 2011

FORM 2B

NOTIFICATION TO CREDITOR OF APPROVAL OF A DEBT PAYMENT PROGRAMME: LEGAL PERSONS AND OTHER ENTITIES

SECTION 1

1 Case Details

1a. Business DAS Case Number [grid]

1b. Date the Debt Payment Programme (DPP) was approved ____/____/20____

SECTION 2

2 Creditor

Creditor Reference Number (where appropriate)
Name of Company
Or, if appropriate, creditor's name
Address
Town
Postcode

SECTION 3

3 Details of the debtor: a legal person/ trust/ unincorporated body of persons ("business")

3a. Details of the business

Business Name (if applicable)
Business Address
Town
Postcode
Telephone Number
Email address

3b. Details of the nominated person for the business (in accordance with regulation 22A(7)(b) of the Debt Arrangement Scheme (Scotland) Regulations 2011 ("the Regulations"))

Nominated person

Name
Address
Town
Postcode
Date of Birth

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Telephone Number	
Mobile Number	
Email address	

3c. Details of the individuals in the business who consented to the application (as required under regulation 22A(2)(a) (for a partnership), 22A(3) (for a limited partnership), 22A(4) (for a trust) or 22A(5) (for a corporate body or unincorporated body of persons))

Individual 1

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 2

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 3

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 4

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

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SECTION 4

4 Details of debts included in Programme

The business agrees to make the first payment under the programme during the period of 42 days immediately following the date on which the DPP is approved.

4a. The following are debts which are included in the programme owed by..... [name of business]

Creditor Reference Number	Amount owed		Account number	Payment amount (per instalment)		Net amount payable to creditor (per instalment)	
	£	p		£	p	£	p

(Continue on next available page if more than one)

4b. The business will pay the following:

i) Total payment amount of over instalments

Payment frequency

Weekly Fortnightly Monthly 4 weekly

ii) Lump sum offer of

iii) Lump sum to be paid on the following date or dates:

iv) Realisation of the following non-trading asset(s), for the benefit of creditors and with prior approval of the business's money adviser:

4c. The Payments Distributor will deduct 2% from the payment due to the creditors from each instalment to cover the fee payable to the DAS Administrator for consideration of the DPP application and an additional _____% fee for administering the payments distribution.

4d. The business agrees to make all payments to the Payments Distributor detailed below unless another Payments Distributor is notified by the DAS Administrator:

Payments Distributor address:

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IMPORTANT INFORMATION FOR CREDITORS

The Debt Arrangement Scheme for legal entities (business DAS)

The Debt Arrangement Scheme is a statutory scheme that has binding legal effect. A debt payment programme for a legal person or other entity (a business DAS DPP) has effect when it is approved by the business DAS Administrator (on behalf of Scottish Ministers) – the Accountant in Bankruptcy, 1 Pennyburn Road, Kilwinning, KA13 6BA.

Business DAS helps businesses, partnerships and other legal entities (businesses) with debts to pay most of what they owe to their creditors within a period of 5 years from the date of the application. No further interest or charges can be added to the debt, whilst the DPP continues and they are written off on completion of the DPP.

This form is a notice to you that the business DAS Administrator has approved a DPP as proposed by the business. The business and the individual named at question 3(a) above are, therefore, protected from enforcement of the debts of the business.

The protection will apply until the programme is completed but will stop if the programme is revoked before completion (for example due to non-payment by the business).

IT IS UNLAWFUL TO SEQUESTER (MAKE BANKRUPT), OR TO USE DILIGENCE (ENFORCEMENT) AGAINST A BUSINESS OR INDIVIDUAL WHO IS PROTECTED FROM ENFORCEMENT.

Section 4 of this form includes a figure for the total amount of debt due to you. This figure will (unless adjusted or varied in accordance with the Debt Arrangement Scheme (Scotland) Regulations 2011) be the amount paid to you on approval and completion of the proposed programme.

It is therefore in your interests to notify the money adviser named above if you disagree with the figures shown in Section 4 of this form.

Further information about the rights and duties of businesses and creditors under business DAS is available on the DAS website at www.das.scotland.gov.uk or the Accountant in Bankruptcy website at www.aib.gov.uk.

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Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

3c Details of the individuals in the business who consented to the DPP (under regulation 22A(2)(a) (for a partnership), 22A(3) (for a limited partnership), 22A(4) (for a trust) or 22A(5) (for a corporate body or unincorporated body of persons))

Individual 1

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 2

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 3

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 4

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

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SECTION 4

4 Grounds for Variation (Regulation 37)

I apply for a variation because:

- 4a There is an agreement between the business and each creditor participating in the programme. Yes No
- 4b There is an agreement between the business and a creditor to cancel the obligation to repay an amount. Yes No
- 4c There has been a material change in the circumstances of the business. Yes No
- 4d A debt has been omitted from, or was wrongly assessed for the programme due to a mistake, oversight or other reasonable cause. Yes No
- 4e There is a debt that was future or contingent which was known but not quantifiable at the date of approval, is now quantified and due for payment. Yes No
- 4f The business needs credit to meet an essential requirement. Yes No

Provide full details and evidence in respect of 4a) to 4f) below.

Supporting Information

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SECTION 5

5 Effect of the Variation

1) Refer to:

5a) Change the debt included in the DPP? Yes No

If 'yes', provide details of the debt to be included or excluded below:

Creditor's Name & address	Creditor ID ref.	Account number	Amount owed (£)	Tick if new debt not in the programme

If 'yes', provide details of income and expenditure at 5b) below.

5b) Vary the amount payable in the instalments? Yes No

If 'yes', provide details below of net income, expenditure and revised payment offer:

Forecast	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Total
Cash inflow													
Expenditure													
Surplus													

Revised payment offer of | | over | | instalments

Payment frequency

Weekly Fortnightly Monthly

ii) Lump sum offer of

iii) Lump sum to be paid on the following date or dates:

iv) Realisation of the following non-trading asset(s) for the benefit of creditors and with prior approval of the business's money adviser:

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to: Other

Yes No

Provide full details in respect of (a) to (c) below

Supporting Information:

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SECTION 6

6 Approval of a variation (Regulation 38)

The DAS Administrator in determining whether a variation is fair and reasonable will consider information provided by the debtor, the views of a creditor taking part in the programme and of any creditor making the application; the views of any money adviser who has provided advice to the debtor; and may have regard to any other factor the DAS Administrator considers appropriate.

Provide any supporting information or comments below that you wish the DAS Administrator to take into consideration.

Supporting Information:

SECTION 7

7 Declaration by money adviser (where applicable)

I declare that the debtor received appropriate financial advice and information about varying the DPP, including the implications of the variation.

I declare that the debtor has consented to proceed with this application without signing this declaration.

I declare that the debtor is viable at the date of this application and I have attached a declaration of viability (in form 7)

SECTION 8

8 Declaration by creditor (where applicable)

I apply for a variation of the DPP, as set out in this application.

I confirm I have made a reasonable attempt to agree the variation with the debtor
 (check to indicate Reasonable Attempt To Agree With Debtor)

Signature of Creditor _____ date _____
(may be omitted in an electronic application)

Position in company (if any) _____

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Regulation 41(2)(b)

The Debt Arrangement Scheme (Scotland) Regulations 2011

FORM 5B

APPLICATION FOR REVOCATION OF A DEBT PAYMENT PROGRAMME: LEGAL PERSONS AND OTHER ENTITIES

SECTION 1

1 Details of Applicant (money adviser, nominated person or creditor in a DPP)

AiB Reference Number	
Money adviser Reference Number	
Name	
Address	
Contact Name (if different)	
Phone Number	
Email Address	

Capacity	Money adviser	<input type="checkbox"/>
	Nominated person	<input type="checkbox"/>
	Creditor in DPP	<input type="checkbox"/>

SECTION 2

2 Details of Debt Payment Programme

Business DAS case number																				
--------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

SECTION 3

3 Details of the debtor: a legal person/ trust/ unincorporated body of persons (business)

3a Details of the business

Business Name (if applicable)	
Business Address	
Town	
Postcode	
Telephone Number	
Email address	

3b Details of the nominated person for the business (in accordance with regulation 22A(7)(b))

Nominated person Name	
---------------------------------	--

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Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

3c Details of the individuals in the business who consented to the DPP (under regulation 22A(2)(a) (for a partnership), 22A(3) (for a limited partnership), 22A(4) (for a trust) or 22A(5) (for a corporate body or unincorporated body of persons))

Individual 1

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 2

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 3

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

Individual 4

Name	
Address	
Town	
Postcode	
Date of Birth	
Telephone Number	
Mobile Number	
Email address	

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SECTION 4

4 Grounds for revocation (Regulation 47)

I apply for a revocation of the DPP because:

- | | | | |
|----|---|------------------------------|-----------------------------|
| 4a | The business failed to satisfy a standard condition under regulation 27 or a condition or condition under regulation 28 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4b | The business made a false statement in the application | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4c | The business failed to make the agreed instalment under the DPP and it is currently in arrears of an amount equal to the aggregate of payments due in a period of two months beginning after the last payment is made | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4d | The manner of the business has changed within the meaning of regulation 42(4) | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4e | The money adviser is unable to make a declaration of viability as the money adviser considers the debtor no longer meets the requirements contained in regulation 22A(1)(c) | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4f | The consents given under regulation 22A(2), (3), (4) or (5) have been withdrawn | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Provide full details in respect of 4a to 4f below

Supporting information

SECTION 5

5 Determination of a revocation

The DAB Administrator must, under regulation 43, consider any statement made by, or on behalf of, a business, the nature of any failure, or any statement, information to indicate whether or not the programme will be successful and any representations made by the business or by the creditors, provided that they are received within the specified period.

The DAB Administrator may have regard to any other factor that is considered appropriate when determining whether to revoke a DPP.

Provide any supporting information or comments below that you wish the DAB Administrator to take into consideration

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Supporting information:

SECTION 6

6 Declaration by money adviser

I declare that the Business received appropriate financial advice and information about revoking the DPP, including the implications of the revocation on all interest and charges that apply to the debts.

Yes No

I declare that the Business has consented to proceed with this application without signing this declaration.

Yes No

SECTION 7

7 Declaration of creditor (where applicable)

I agree to a revocation of the DPP, as set out in this application.

Signature of Creditor _____ date _____
(may be omitted in an electronic application)

Position in company (if any) _____

SECTION 8

8 Declaration of nominated person (where applicable)

I apply on behalf of the Business for a revocation of the DPP, as set out in this application.

Signature of nominated person _____ date _____
(may be omitted in an electronic application)

Position in company (if any) _____

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The Debt Arrangement Scheme (Scotland) Regulations 2011

Regulation 22A(7)(c)

FORM 7

DECLARATION OF VIABILITY

SECTION 1

1 Details of money adviser (as defined at regulations 8(a) and 8A of the Debt Arrangement Scheme (Scotland) Regulations 2011 ("the Regulations"))

NIP Reference Number	_____
Money adviser reference number	_____
Name	_____
Address	_____
Contact Name (if different)	_____
Phone Number	_____
Email address	_____

SECTION 2

2 Details of the debtor: a legal person/ trust/ unincorporated body of persons (business)

Details of the business

Business name (if applicable)	
Business address	
Town	
Postcode	
Telephone Number	
Email address	

By signing below I confirm that:

I have reviewed both the current and past performance of the business and the forecasted income and expenditure the business has provided for the next 12 months. The business has demonstrated that where risks to the business have been certified, they are able to provide financial safeguards to enable them to meet the requirements of their DPP.

In my opinion, based on the information I have obtained-

- i The DPP has a reasonable prospect of being completed;
- ii The business can make payments due under the DPP within a period of 5 years of the date of the application;
- iii *(In the case of a declaration attached to an application for approval of a DPP)* The business demonstrated that it is continuing to trade, where trading, or otherwise operate (as defined at regulation 22A(12) of the Regulations) at the date of the DPP application;
- iv *(In any other case where a declaration is required)* The business demonstrated that it is continuing to trade, where trading, or otherwise operate (as defined at regulation 22A(12) of the Regulations) at the date of this declaration.

The information that I have used to assess the viability of the business is:

The reasons for my decision are as follows:

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This declaration of validity is dated

(If a declaration is made in respect of an application for approval of a DMR or an annual review, the financial statements of the business are due to be prepared for

[12 months from date of acquisition]

Signed:

Date: