



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 13

### AMENDMENTS OF THE DEBT ARRANGEMENT AND ATTACHMENT (SCOTLAND) ACT 2002

#### **211 Debt payment programmes with debt relief**

- (1) The 2002 Act is amended as follows.
- (2) In section 2 (debt payment programmes)—
  - (a) after subsection (1) insert—

“(1A) Subsection (1) above is subject to any provision in regulations made under section 7A(1) below.”; and
  - (b) in subsection (4), after “section 7(1)” insert “or 7A(1)”.
- (3) After section 7 insert—

#### **“7A Debt payment programmes: power to make provision about debt relief**

- (1) The Scottish Ministers may, by regulations, make such further provision as they think fit in connection with debt payment programmes for the purposes of—
  - (a) enabling such programmes to provide for the payment of part only of money owed by debtors; and
  - (b) on the completion of such programmes or otherwise, enabling any liability of debtors to pay any part of such money owed as is outstanding to be discharged.
- (2) The regulations may, in particular, make provision about—
  - (a) the minimum proportion or percentage of debts which shall be paid under such debt payment programmes;

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*Status: This is the original version (as it was originally enacted).*

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- (b) without prejudice to section 7(2)(h) to (j) above, the consent of creditors for the purposes of section 2(4) above (including the circumstances in which consent by a majority by number or in value shall be sufficient);
  - (c) the effect of such programmes on debtors' liabilities for interest, fees, penalties and other charges in relation to debts being paid under such programmes;
  - (d) the effect of such programmes on the rights of creditors to charge interest, fees, penalties or other charges in relation to debts being paid under such programmes;
  - (e) circumstances in which, on completion of such programmes or otherwise, any liability of debtors to pay—
    - (i) part of any debts as are outstanding; or
    - (ii) any interest, fees, penalties or other charges in relation to such debts,is to be discharged.
- (3) Subsections (3) and (4) of section 7 above apply for the purposes of regulations under this section as they apply for the purposes of regulations under subsection (1) of that section.”.
- (4) In section 62 (regulations and orders)—
- (a) in subsection (3), for “of this Act”, where those words second occur, substitute “above or regulations made under section 7A above”; and
  - (b) in subsection (4), after “section 7 above” insert “, any regulations made under section 7A above”.