
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 397

The Bankruptcy (Scotland) Regulations 2016

PART 1

Money advisers

Other matters on which a debtor must obtain advice

6. The following are prescribed for the purposes of section 4(1)(d) of the Act as matters on which the debtor must obtain advice from a money adviser—

- (a) the income and expenditure of the debtor in accordance with the common financial tool;
- (b) the evidence required to confirm the debts of the debtor in making the debtor application;
- (c) the debt advice and information package⁽¹⁾;
- (d) the options of a voluntary repayment plan, debt payment programme under the Debt Arrangement Scheme or a trust deed;
- (e) the consequences of sequestration and that an award of sequestration, if granted, is recorded in a public register and may result in one or more of—
 - (i) the debtor being refused credit, or being offered credit at a higher rate, whether before or after the date of the debtor being discharged;
 - (ii) the debtor not being able to remain in his or her current place of residence;
 - (iii) the debtor being required to relinquish property which the debtor owns;
 - (iv) the debtor requiring to make contributions from income for the benefit of creditors;
 - (v) damage to the debtor's business interests and employment prospects;
 - (vi) the debtor still being liable for some debts;
 - (vii) the debtor's past financial transactions being investigated; and
 - (viii) other restrictions or requirements imposed on the debtor as a result of the debtor's own circumstances and actions.

⁽¹⁾ Referred to in section 3(2) of the Act and section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002 ([asp 17](#)).