
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2004 No.

The Debt Arrangement Scheme (Scotland) Regulations 2004

PART 2

MONEY ADVISERS

Functions and duty of a money adviser

- 11.**—(1) It is a function of a money adviser to—
- (a) provide money advice to a debtor;
 - (b) liaise with creditors on behalf of a debtor;
 - (c) assist a debtor with, and advise on, implementation or variation of a debt payment programme;
 - (d) prepare and submit on behalf of a debtor an application under these Regulations;
 - (e) review a debt payment programme in every sixth month of operation;
 - (f) act as a lay representative in a court, where the adviser has accepted instructions by a debtor to act;
 - (g) seek revocation of a debt payment programme, where no payments have been made under the programme for 12 months; and
 - (h) provide, as required by the DAS administrator, evidence of or information about the participation of a debtor in a debt payment programme.
- (2) A money adviser shall not charge a fee to a debtor for money advice, unless the adviser has informed the debtor—
- (a) that money advice is available without any fee or payment being due by the debtor (“free money advice”);
 - (b) of the name of—
 - (i) any adviser (or all, if more than one) providing free money advice within a 10 kilometre radius of the debtor’s usual place of residence; or
 - (ii) the nearest adviser providing free money advice to the debtor’s place of residence, where there is no adviser within a 10 kilometre radius of the debtor’s usual place of residence, andthe debtor has agreed in writing to pay a fee.
- (3) A money adviser shall have regard to guidance issued by the DAS administrator when carrying out a function of an adviser.