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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2004 No.**

The Debt Arrangement Scheme (Scotland) Regulations 2004

PART 7

VARIATION OF DEBT PAYMENT PROGRAMMES

**Approval of a variation**

**39.**—(1) The DAS administrator shall approve a variation proposed under regulation 38(1)(a) or (b).

(2) Subject to paragraph (3), the DAS administrator shall approve a variation proposed under regulation 38(1)(c) to (f) if the variation is fair and reasonable.

(3) The DAS administrator may apply to the sheriff for a determination of an application for variation under proposed regulation 38(1)(c) to (f), where the administrator considers that appropriate in all the circumstances.

(4) The DAS administrator, or sheriff as the case may be, in determining whether a variation is fair and reasonable—

(a) shall have regard to the—

(i) matters specified in regulation 26(2);

(ii) views of the debtor;

(iii) views of a creditor taking part in the programme and of any creditor making the application; and

(b) may have regard to any other factor the administrator or sheriff considers appropriate.

(5) Approval of a variation may be made subject to a condition under regulation 30.