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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2018 No.**

**The Common Financial Tool (Scotland) Regulations 2018**

**Debt payment programmes before 29th October 2018**

7.—(1) Except as mentioned in paragraphs (2) and (3), these Regulations have no effect in relation to debt payment programmes in respect of which an application for approval was made under the 2011 DAS Regulations before 29th October 2018.

(2) Where an application is made on or after 29th October 2018 for variation of a debt payment programme on a material change in the circumstances of a debtor, the DAS Administrator must have regard to the Standard Financial Statement.

(3) In so applying the Standard Financial Statement, for the avoidance of doubt—

- (a) this regulation does not prevent the DAS Administrator having regard to other factors, including the payments previously made under the debt payment programme; and
- (b) the Standard Financial Statement is not itself a material change in the circumstances of the debtor for the purposes of regulation 37(1) of the 2011 DAS Regulations.

(4) In this regulation, “the DAS Administrator” has the following meaning given in the 2011 DAS Regulations—

- (a) the Scottish Ministers; or
- (b) any person or body who may exercise the functions of the Scottish Ministers by virtue of an order made under section 8 (functions of the Scottish Ministers) of the Debt Arrangement and Attachment (Scotland) Act 2002<sup>(1)</sup>.

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(1) 2017 asp 17. See S.S.I. 2004/448, by virtue of which the Accountant in Bankruptcy may act as DAS Administrator.