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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 468**

**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.