

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2013 No. 225**

**The Debt Arrangement Scheme  
(Scotland) Amendment Regulations 2013**

**Reviews and appeals**

17. For Part 10, substitute—

**“PART 10  
REVIEWS**

**Application for review**

47.—(1) A debtor or a money adviser acting on behalf of a debtor may, on any ground which may be raised in an appeal, apply for review of a determination of the DAS Administrator not to approve a debt payment programme.

(2) A creditor named in an application for a debt payment programme may, on any ground which may be raised in an appeal, apply for review of a determination of the DAS Administrator to—

- (a) dispense with the consent of the creditor;
- (b) approve a programme.

(3) A debtor or a money adviser acting on behalf of a debtor, a creditor participating in a debt payment programme or a creditor who has applied for variation of a programme on the grounds in regulation 37(1)(e) or (f) may, on any ground which may be raised in an appeal, apply for review of a determination of the DAS Administrator to—

- (a) attach a condition under regulation 28;
- (b) approve, or refuse to approve, a variation of a programme;
- (c) revoke a programme;
- (d) correct an accidental error in any determination and restore a debt payment programme under regulation 4A.

(4) An application under this regulation must be made—

- (a) within 14 days after the date of intimation of the determination to the debtor or creditor; and
- (b) in writing.

(5) Where an application has been made under this regulation, the DAS Administrator must intimate the application in writing to—

- (a) the debtor;
- (b) any creditor named in the application for a debt payment programme;
- (c) the money adviser who made the application for the programme;

- (d) each creditor taking part in the programme; and
- (e) any continuing money adviser for the debtor.

#### **Procedure at review**

**47A.** Where an application is made under regulation 47, the DAS Administrator must review the determination which is the subject of the application—

- (a) within 28 days of the application for review; and
- (b) on the basis of—
  - (i) the information provided in the application; and
  - (ii) any written representations received from the debtor, creditor or money adviser.

#### **Decision**

**47B.**—(1) Following review of a determination the DAS administrator may—

- (a) confirm its determination;
- (b) amend or alter its determination; or
- (c) revoke its determination and substitute a new determination.

(2) The DAS administrator must intimate in writing the result and the effect of the decision—

- (a) to the debtor;
- (b) to any creditor named in the application for a debt payment programme;
- (c) to the money adviser who made the application for the programme;
- (d) to each creditor taking part in the programme;
- (e) to any continuing money adviser for the debtor;
- (f) to the payment distributor; and
- (g) where there is a payment instruction under regulation 32, to an employer.

## **PART 10A**

### **APPEALS**

#### **Appeals**

**47C.**—(1) A debtor or a creditor may appeal to the sheriff on a point of law against a decision of the DAS administrator under regulation 47B.

(2) An appeal to the sheriff under paragraph (1)—

- (a) is to be by summary application; and
- (b) must be lodged within 14 days after the date of intimation to the appellant of the decision appealed against.

(3) The decision of the sheriff is final.”.