

SCHEDULE 1

Regulation 8(2)

Common Financial Tool: Debt Arrangement Scheme

“SCHEDULE A1

Regulation 2(1)

Common Financial Tool

1. Regulations 15 to 18 of the Bankruptcy (Scotland) Regulations 2016⁽¹⁾ (“the 2016 Regulations”) apply to the approval of a debt payment programme as they apply to assessing the appropriate amount of a living debtor’s income to be paid to a trustee after the sequestration of the debtor’s estate with the modifications set out in this schedule.

2. Those Regulations apply as if for references to AiB⁽²⁾, trustee or the court there were substituted references to the DAS Administrator or the court.

2A. Regulation 15(2) (debtor’s contribution to be whole surplus income) of the 2016 Regulations applies as if the debtor may propose a contribution which is a proportion of the debtor’s whole surplus income.

3. Regulation 15(7) (deeming income solely from benefits as making no contribution) does not apply.

4. Regulation 15(8) to (10) (pensions and aliment under the Family Law (Scotland) Act 1985⁽³⁾) does not apply.

5. Regulation 15(11) (guidance) applies as if the guidance issued by AiB was guidance issued by the DAS Administrator under regulation 12(5) of these Regulations.

6. Regulation 17 (supporting statements and evidence) applies as if for references to a debtor application, initial proposals or an application for review or appeal there were substituted a reference to an application for approval or variation of a debt payment programme.

7. Regulation 18 (report on contravention of licence requirements) applies as if for references to a debtor application there were substituted a reference to an application for approval of a debt payment programme.”

(1) [S.S.I. 2016/397](#).

(2) AiB means the Accountant in Bankruptcy (within the meaning given by section 199 of the Bankruptcy (Scotland) Act 2016).

(3) [1985 c.37](#).