
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 315

**The Debt Arrangement Scheme
(Scotland) Amendment Regulations 2019**

Short term financial crisis payment break

11.—(1) After regulation 39 (notification of approval or rejection of a variation) insert—

“Short term financial crisis payment break

39A.—(1) A debtor who is an individual may make a request to the debtor’s money adviser for variation of a debt payment programme in the circumstances in paragraph (3).

(2) A request under paragraph (1) in relation to a joint debt payment programme refers to a request made by both debtors jointly.

(3) The circumstances referred to in paragraph (1) are that the debtor wishes to defer payments for a period not exceeding one month, with the period of the debt payment programme extended for a period equal to the period of deferment.

(4) The money adviser may approve the variation in the circumstances in paragraph (5).

(5) The circumstances referred to in paragraph (4) are that—

- (a) the money adviser is satisfied that the debtor has experienced or is experiencing a short term financial crisis;
- (b) the money adviser is satisfied that the debtor has resumed or will be able to resume payments following the proposed period of deferment; and
- (c) approval of the variation will not result in more than two such deferments occurring (whether consecutively or otherwise) in any period of 12 months.

(6) Where a variation request under paragraph (1) is approved, if applicable the continuing money adviser for the debtor, otherwise the DAS Administrator, must intimate in writing the approval of the variation, to—

- (a) the DAS Administrator (as appropriate);
- (b) the payments distributor;
- (c) each creditor taking part in the programme; and
- (d) where there is a payment instruction under regulation 32, the employer.

(7) Any payment which becomes due under a debt payment programme and in respect of which a variation request under paragraph (1) is approved by the money adviser before the next payment under the programme becomes due may be disregarded by the DAS Administrator for the purposes of regulation 42(1)(a) and (c).

(8) For the avoidance of doubt, the provisions of regulations 36 (application for variation) and 37 (grounds for variation) do not apply for the purposes of requests for variation under paragraph (1).”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) In regulation 47(3)(c)(1) (application for review) after “programme” insert “(or not to revoke a programme in the circumstances in regulation 39A(7))”.