
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Debt Respite Scheme (Breathing Space
Moratorium and Mental Health Crisis Moratorium)
(England and Wales) Regulations 2020**

PART 4

Debt respite scheme administration

Non-disclosure of a debtor's usual residential address

38.—(1) In the circumstances specified in this regulation, the Secretary of State must not include a debtor's usual residential address—

- (a) in any entry made on the register under these Regulations relating to the debtor that is or would be available to creditors, or
- (b) in any notification sent to creditors or agents under these Regulations.

(2) A debtor, or the person applying for a moratorium on the debtor's behalf, may make an application to a debt advice provider under this regulation for non-disclosure of the debtor's usual residential address.

(3) An application for non-disclosure of a debtor's usual residential address must contain—

- (a) a statement of the grounds on which the application is made,
- (b) evidence which supports the statement of the grounds on which the application is made.

(4) The grounds for non-disclosure of a debtor's usual residential address are that disclosure of the debtor's usual residential address might reasonably be expected to lead to violence against the debtor or against a person who normally resides with the debtor as a member of the debtor's family.

(5) A debt advice provider must consider any application for non-disclosure of a debtor's usual residential address and determine whether the address should be disclosed.

(6) Within 7 days beginning with the day on which a determination by a debt advice provider under paragraph (5) is made, the debt advice provider must notify the outcome of the determination to the debtor or the person who made an application for a moratorium on the debtor's behalf.

(7) If a debt advice provider determines that the grounds specified in paragraph (4) apply, when providing information to the Secretary of State in accordance with these Regulations, the debt advice provider must notify the Secretary of State that the debtor's usual residential address must not be included in—

- (a) any entry made on the register under these Regulations relating to the debtor that is or would be available to creditors, or
- (b) any notification sent to creditors or agents under these Regulations.

(8) Where an application under this regulation is unsuccessful, a notification under paragraph (6) must inform the debtor, or the person applying for a moratorium on the debtor's behalf, of their right to appeal to the county court under paragraph (9).

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

This draft has been replaced by a new draft, The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020 ISBN 978-0-348-21173-3

(9) Where an application under this regulation is unsuccessful, a debtor, or the person applying for a moratorium on the debtor's behalf, may appeal to the county court against the determination on the grounds specified in paragraph (4) before the end of the period of 28 days beginning with the day on which the debt advice provider notified the outcome of the determination under paragraph (6).

(10) Where an application is made to a debt advice provider under this regulation, the debt advice provider may not initiate a moratorium under these Regulations until the earliest of—

- (a) the day on which the debt advice provider determines that the address should not be disclosed,
- (b) where the application is unsuccessful but no appeal proceedings are brought under paragraph (9), the end of the period of 28 days beginning with the day on which the debt advice provider notified the outcome of the determination under paragraph (6), or
- (c) the conclusion of any appeal proceedings relating to the application under this regulation.