



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 1

THE DEBT ARRANGEMENT SCHEME

VALID FROM 24/09/2004

7 Debt payment programmes: power to make further provision

- (1) The Scottish Ministers may, by regulations, make such further provision as they think fit in connection with—
- (a) applications for the approval, or for the variation, of debt payment programmes;
 - (b) the manner in which such programmes are to operate, including conditions with which debtors, creditors, payments distributors or money advisers must comply;
 - (c) the effect of such programmes; and
 - (d) the effect of the failure of an employer to comply with the duty under section 6(2) above.
- (2) The regulations may, in particular, make provision about—
- (a) the class of person who may or may not make an application for the approval, or the variation, of a debt payment programme;
 - (b) the class of debt in respect of which such an application may or may not be made;
 - (c) the matters to which the Scottish Ministers are to have regard in determining whether to approve such an application;
 - (d) the conditions which may or may not be attached to an approval of such an application;
 - (e) circumstances in which such an application will not be approved;
 - (f) appeals against determinations by the Scottish Ministers on such applications;

Status: Point in time view as at 30/12/2002. This version of this provision is not valid for this point in time.

Changes to legislation: Debt Arrangement and Attachment (Scotland) Act 2002, Section 7 is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date.

Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (g) circumstances in which the consent for the purposes of section 2(4) above of a creditor or creditors generally may be dispensed with;
 - (h) circumstances in which a creditor may object to—
 - (i) the dispensation of the creditor’s consent; or
 - (ii) the approval of such an application,
 and the manner in which such objection may be made;
 - (i) the remitting of any such application in respect of which a creditor has made an objection to the sheriff for determination;
 - (j) the manner in which a debt payment programme may be varied;
 - (k) the priority in which debts are to be paid under a debt payment programme;
 - (l) the ingathering and sale or other disposal of assets and the distribution to creditors of amounts so realised;
 - (m) the period for which a debt payment programme is to remain in operation;
 - (n) circumstances in which, and the procedure under which, any such period can, in relation to a particular debt payment programme, be shortened or extended;
 - (o) circumstances in which a debt payment programme is to cease to have effect;
 - (p) subject to section 4 above, the manner in which a debt payment programme affects the rights or remedies of a creditor or other third party;
 - (q) circumstances in which creditors are to notify debtors of the right to make such an application and the effect of the failure of a creditor to provide that notice;
 - (r) the class of person who may act as a payments distributor;
 - (s) the class of person who may act as a money adviser;
 - (t) the functions of a payments distributor;
 - (u) the functions of a money adviser;
 - (v) the establishment and maintenance by the Scottish Ministers of a register of debt payment programmes and applications for the approval, and variation, of such programmes;
 - (w) the information which is to be kept in such a register;
 - (x) the manner in which that information is to be kept and in which it, or any part of it, is to be made available to the public; and
 - (y) the determination, and charging, by the Scottish Ministers of fees in respect of—
 - (i) the consideration of applications for the approval, or the variation, of a debt payment programme; and
 - (ii) the provision of information recorded in the register of debt payment programmes.
- (3) The regulations may also—
- (a) make different provision in relation to such different types of debtors, debts or other matters as may be described by the Scottish Ministers;
 - (b) provide that such different provision is to have effect only for such period as is specified by the Scottish Ministers; and
 - (c) provide that, on the expiry of that period, the Scottish Ministers may determine that the different provision to which they relate is to—
 - (i) continue to have effect without limit of time;

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(ii) continue to have effect for such further period as may be determined by the Scottish Ministers; or

(iii) cease to have effect.

(4) The regulations may also modify any enactment (including this Act), instrument or document for the purposes of making such further provision as is mentioned in subsection (1) above.

Status:

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Changes to legislation:

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