
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2004 No.

DEBT

DILIGENCE

The Debt Arrangement Scheme (Scotland) Regulations 2004

Made - - - - 2004

Coming into force 2004

THE DEBT ARRANGEMENT SCHEME
(SCOTLAND) REGULATIONS 2004

PART 1

GENERAL

1. Citation and commencement
2. Interpretation: general
3. Interpretation: debt
4. Dispensing power
5. Fees
6. Consequential amendments

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MONEY ADVISERS

7. Debtor to have a money adviser
8. Approval of a money adviser
9. Revocation, or suspension, of approval of a money adviser
10. Persons who may not be approved
11. Functions and duty of a money adviser
12. Notices by a money adviser: general

PART 3

PAYMENTS DISTRIBUTORS

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16. Charges by a payments distributor

PART 4

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17. Debt Arrangement Scheme Register
18. Information on the DAS Register
19. Access to, and use of, information on the DAS Register

PART 5

APPROVAL OF DEBT PAYMENT PROGRAMMES

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21. Debtors who may apply for approval
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23. Objection by a creditor
24. Composition and waiver of interest
25. Approval of agreed programmes
26. Approval by the DAS administrator
27. Approval by the sheriff
28. Notice of intention to approve, and approval of, a programme
29. Standard conditions
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PART 6

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PART 7

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45. Notification of revocation
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PART 9

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- 47. Report of completion
- 48. Notices by a money adviser: completion
- 49. Notification of completion

PART 10

APPEALS

- 50. Appeals
Signature

SCHEDULE 1 — ARRANGEMENT OF FORMS

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 1 APPLICATION FOR APPROVAL AS MONEY ADVISER

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 2 APPLICATION FOR APPROVAL AS PAYMENTS DISTRIBUTOR

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 3 APPLICATION FOR APPROVAL OF A DEBT PAYMENT PROGRAMME

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 4 NOTIFICATION TO CREDITOR OF APPLICATION FOR APPROVAL OF A DEBT PAYMENT PROGRAMME

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 5 NOTIFICATION OF APPROVAL OF A DEBT PAYMENT PROGRAMME

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 6 PAYMENT INSTRUCTION TO EMPLOYER

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 7 NOTICE OF RECALL OF AN ARRESTMENT

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 8 APPLICATION FOR VARIATION OF A DEBT PAYMENT PROGRAMME

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 9 NOTIFICATION TO CREDITOR OF DETERMINATION OF VARIATION

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 10 APPLICATION FOR REVOCATION OF A DEBT PAYMENT PROGRAMME

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 11 NOTICE OF REVOCATION

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 12 REPORT OF COMPLETION BY PAYMENTS DISTRIBUTOR

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 13 NOTICE OF COMPLETION BY MONEY ADVISER

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 14 CONFIRMATION OF COMPLETION BY DAS ADMINISTRATOR

— The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 15 NOTIFICATION TO CREDITOR OF COMPLETION OF A DEBT PAYMENT PROGRAMME

SCHEDULE 2 — FEES

SCHEDULE 3 — CONSEQUENTIAL AMENDMENTS

Bankruptcy (Scotland) Act 1985

1. In section 14 (registration of court order) of the 1985...
2. In section 15 (further provisions relating to sequestration) of the...

Mortgage Rights (Scotland) Act 2001

3. In section 2(2)(b) (disposal of application) of the Mortgage Rights...

Debt Arrangement and Attachment (Scotland) Act 2002

4. In section 47(4) (exceptional attachment order) of the Act, at...

SCHEDULE 4 — MONEY ADVISER TRAINING

1. The relationship between prescription or limitation, and enforcement of debt...
2. The consequences for a debtor— (i) sequestration;
3. The operation of— (i) an earnings arrestment;
4. The nature of rights of appeal from the sheriff court...
5. Assisting a client to— (a) respond to admitted money claims...
6. Identifying the need to refer a case to an appropriate...

SCHEDULE 5 — PAYMENTS DISTRIBUTORS

1. Hold a current licence under the Consumer Credit Act 1974....
2. Be registered under the Data Protection Act 1998 as a...
3. Make and maintain arrangements to ensure financial security of sums...
4. Make and maintain appropriate arrangements to accept and disburse payments...
5. Make and maintain appropriate arrangements to ensure compliance with Office...
6. Make and maintain appropriate arrangements for customer services.
7. Make and maintain appropriate arrangements for the issue of required...
8. Provide an information technology system to transmit reports to debtors,...

Explanatory Note