
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

The Protected Trust Deeds (Scotland) Regulations 2013

PART 3

REGISTRATION AND EFFECT OF PROTECTION

Deductions from debtor's earnings

- 14.—(1) This regulation applies where—
- (a) a debtor is required to pay to the trustee a contribution from income for the benefit of creditors and an amount is required to be paid from the debtor's earnings from employment; and
 - (b) the debtor has failed on two consecutive occasions to pay to the trustee the required amount of the debtor's income from the debtor's earnings from employment.
- (2) Following a request by the trustee, the debtor must give the person by whom the debtor is employed an instruction in Form 4A to make—
- (a) deductions of specified amounts from the debtor's earnings; and
 - (b) payments to the trustee of the amounts so deducted.
- (3) The trustee may give the person by whom the debtor is employed an instruction of the type mentioned in paragraph (2) in Form 4B if the debtor fails to comply with the requirement imposed by that paragraph.
- (4) The employer must comply with an instruction provided in accordance with paragraph (2) or (3) (or varied in accordance with paragraph (9)).
- (5) On delivery of the instruction and while the instruction is in effect, the employer must deduct the sum specified in the instruction on every pay day, and pay the sum deducted to the trustee as soon as it is reasonably practicable to do so.
- (6) Where an employer fails without good cause to make a payment due under an instruction, the employer is—
- (a) liable to pay on demand by a trustee the amount that should have been paid; and
 - (b) not entitled to recover from a debtor the amount paid to the debtor in breach of the instruction.
- (7) An employer may on making a payment due under an instruction charge a fee equivalent to the fee chargeable for the time being under section 71 (employer's fee for operating diligence against earnings) of the Debtors (Scotland) Act 1987(1) and deduct that fee from the balance due to the debtor.
- (8) The trustee must, without delay after the discharge of a debtor under regulation 25, notify in writing any person who has received an instruction in accordance with paragraph (2) or (3) (or varied in accordance with paragraph (9)) that the instruction has been recalled.

(9) Following agreement by the debtor and the trustee, the debtor may give to the person by whom the debtor is employed a variation to the instruction mentioned in paragraph (2) in Form 4C.