
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

**The Debt Arrangement Scheme
(Scotland) Amendment Regulations 2018**

Business Debt Arrangement Scheme: payment break

15.—(1) In regulation 36 (application for variation)—

(a) at the end of paragraph (5)(b)(ii), insert “, or if made on the grounds of regulation 37(1)(i), instead a declaration under paragraph (6)”;

(b) at the end, insert—

“(6) A declaration under this paragraph is a declaration by the money adviser that in the money adviser’s opinion the debtor would still be viable despite the payment break applied for on the basis that—

(a) the programme still has a reasonable prospect of being completed;

(b) the debtor can make all payments due under the programme within the period of the programme (as extended); and

(c) the debtor is continuing to trade, where trading, as at the date of applying for the variation, or otherwise operating at that date.”.

(2) In regulation 37(1) (grounds for variation)—

(a) after sub-paragraph (g) omit “and”; and

(b) after sub-paragraph (h), insert—

“and;

(i) in the case of a debtor which is a legal person, trust or unincorporated body of persons, where a debtor wishes to defer payments for a period not exceeding 6 months, with the period of the debt payment programme extended (subject to regulation 27(2)(1)(iii)) for a period equal to the period of deferment.”.