
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 141

The Debt Arrangement Scheme (Scotland) Regulations 2011

PART 1

GENERAL

Interpretation: debt

- 3.—(1)** In these Regulations, “debt” includes any sum due by a debtor—
- (a) constituted by—
 - (i) decree or document of debt;
 - (ii) judicial or contractual interest;
 - (iii) charges or penalties due under a contract on any default in respect, or breach of, that contract;
 - (iv) lease or tenancy agreement;
 - (v) enactment;
 - (b) secured by a standard security, to the extent that the sum is arrears of a periodic payment due to be paid under a loan agreement so secured;
 - (c) recoverable from the debtor as enforcement expenses.
- (2)** In these Regulations, “debt” excludes any sum due by a debtor—
- (a) to the extent it is secured by a standard security, other than where that sum is included under paragraph (1)(b);
 - (b) as a liability for the purpose of section 17(2B) of the Legal Aid (Scotland) Act 1986⁽¹⁾.

⁽¹⁾ Subsection (2B) was inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c.40), Schedule 8, paragraph 36.