

SCHEDULE 1

Regulation 8(2)

Common Financial Tool: Debt Arrangement Scheme

“SCHEDULE A1

Regulation 2(1)

Common Financial Tool

1. Regulations 15 to 18 of the Bankruptcy (Scotland) Regulations 2016⁽¹⁾ (“the 2016 Regulations”) apply to the approval of a debt payment programme as they apply to assessing the appropriate amount of a living debtor’s income to be paid to a trustee after the sequestration of the debtor’s estate with the modifications set out in this schedule.

2. Those Regulations apply as if for references to AiB⁽²⁾, trustee or the court there were substituted references to the DAS Administrator or the court.

2A. Regulation 15(2) (debtor’s contribution to be whole surplus income) of the 2016 Regulations applies as if the debtor may propose a contribution which is a proportion of the debtor’s whole surplus income.

3. Regulation 15(7) (deeming income solely from benefits as making no contribution) does not apply.

4. Regulation 15(8) to (10) (pensions and aliment under the Family Law (Scotland) Act 1985⁽³⁾) does not apply.

5. Regulation 15(11) (guidance) applies as if the guidance issued by AiB was guidance issued by the DAS Administrator under regulation 12(5) of these Regulations.

6. Regulation 17 (supporting statements and evidence) applies as if for references to a debtor application, initial proposals or an application for review or appeal there were substituted a reference to an application for approval or variation of a debt payment programme.

7. Regulation 18 (report on contravention of licence requirements) applies as if for references to a debtor application there were substituted a reference to an application for approval of a debt payment programme.”

(1) [S.S.I. 2016/397](#).

(2) AiB means the Accountant in Bankruptcy (within the meaning given by section 199 of the Bankruptcy (Scotland) Act 2016).

(3) [1985 c.37](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Regulation 18(2)

Amendments to Form 1 (application for approval of a Debt Payment Programme: Individuals)

PART 1

2c. Is this a joint application?

Yes No

If 'no', go to Section 3.

If 'yes', are the debtors jointly and severally liable for any debt? AND

Yes No

If 'yes', do the debtors applying for a joint DPP meet the criteria in Regulation 22(1)?

a) spouses or civil partners of each other

b) living together as if spouses of each other

If 'no', DO NOT PROCEED with a joint DPP.

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PART 2

2f. Sensitivity obligation

In terms of the Debt Arrangement Scheme (Scotland) Regulations 2011 all DPP applications must be included in the DAS Register which is an on-line public record of all DPPs in Scotland. This information includes the applicant(s) name, address, date of birth and principal place of business (if any).

However, where the DAS Administrator is of the opinion that inclusion of the information in the DAS Register would be likely to jeopardise the safety or welfare of any person (e.g. where a person may be at risk of violence) information about a DPP application need not be included in the DAS Register.

If you consider that inclusion of information about your DPP application in the DAS Register would be likely to jeopardise your safety or welfare, or that of any other person, you should set out details below and provide supporting evidence (e.g. from the police) with this form. The DAS Administrator will then consider whether information about your DPP application should be included in the DAS Register.

I confirm that I have a legitimate reason for certain details being withheld or treated sensitively for the purpose of the DAS Register.

(only tick if applicable)

PLEASE GIVE DETAILS BELOW

PART 3

SECTION 4A

If applicable, debts not to be included in the programme under Regulation 20(2AA)

Type of Debt	Amount Owed	Monthly Contribution towards Debt

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PART 4

5b. The debtor, or the debtors in the case of a joint DPP, propose(s) the following:

i) Proposed contribution Frequency

ii) Total payment offer of over instalments

Payment frequency

Weekly

Fortnightly

Monthly

4 weekly

iii) Lump sum offer of

iv) Lump sum to be paid on the following date or dates:

v) Realisation of the following asset(s) for the benefit of creditors:

PART 5

6g. Disclosure of Continuing Money Adviser administration fee (if applicable) (Regulation 20(2)(aa))

Setup fee

Administration fee (if not included in setup fee)

Frequency of administration fee (if applicable)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 3

Regulation 18(3)

Amendments to Form 1B (Application for approval of a Debt Payment Programme: legal persons and other entities)

SECTION 3

3 Eligibility to Apply

The business must satisfy a number of conditions to be eligible to apply for approval of a business DAS DPP.

3a. Is the business currently an undischarged bankrupt in Scotland, England or Wales?
Yes No

If 'yes', the business is NOT eligible to apply for a programme (regulation 21(2)).

3b. Has the business been granted a trust deed that has become protected?
Yes No

If 'yes', the business is NOT eligible to apply for a programme (regulation 21(2)(b)).

3c. Has evidence (including any founding documents) of the legal status of the business been obtained? (regulation 22A(7)(a))
Yes No

3d. Have the required consents to the application for the programme been obtained? (regulation 22A(6))
Yes No

3e. Has a declaration of viability been issued to the business? (regulation 22A(7)(c))
Yes No

Please provide evidence with the application for questions 3c to 3e

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SCHEDULE 4

Regulation 18(4)

Form 2 (Notification to creditor of approval of a Debt Payment Programme)

The Debt Arrangement Scheme (Scotland) Regulations 2011

FORM 2 Regulation 29(4)(a)(ii)
NOTIFICATION TO CREDITOR OF APPROVAL OF A DEBT PAYMENT PROGRAMME

SECTION 1

1a DAS Case Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

1b Date the Debt payment Programme (DPP) was approved ____ / ____ / 20 ____

SECTION 2

2 Creditor

ID No. (where appropriate)
Name of Company
Or, if appropriate, creditor's name
Address

Town
Postcode

SECTION 3

3 Details of the debtor

Surname
First Name(s)
Any other name the debtor has been known by
Date of Birth (DD/MM/YYYY)
Address

Town
Postcode
Business Name (if applicable)
Business Address
Town
Postcode

3 a Details of second debtor in jointDPP

Surname
First Name(s)
Any other name the debtor has been known by
Date of Birth (DD/MM/YYYY)
Address

Town
Postcode
Business Name (if applicable)
Business Address
Town
Postcode

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SECTION 4

4 Details of Debt included in Programme

The debtor, or the debtors in the case of a joint application, agree to make the first payment under the programme during the period of 42 days immediately following the date on which the DPP is approved.

4a. The debtor, or the debtors in the case of a joint application, agree to make all payments to the Payments Distributor detailed below unless another Payments Distributor is notified by the DAS Administrator:

Payments Distributor
Address

--

4b. The Payments Distributor will deduct 2% from the payment due to the creditors from each instalment to cover the fee payable to the DAS Administrator for consideration of the DPP application and an additional _____% fee for administering the payments distribution.

4c. The following are debts which are included in the programme owed by (debtor's name)

Account number	Amount owed		Payment amount (per instalment)		Net amount payable to creditor (per instalment)	
	£	p	£	p	£	p

(Continue to list all debts, if more than one)

For joint DPPs only.

4c. i) The following are debts which are included in the programme owed by (debtor's name)

Account number	Amount owed		Payment amount (per instalment)		Net amount payable to creditor (per instalment)	
	£	p	£	p	£	p

(Continue to list all debts, if more than one)

4d If applicable, debts not to be included in the programme under Regulation 20(2AA)

Type of Debt	Amount Owed	Monthly Contribution Towards Debt

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4e. The debtor, or the debtors in the case of a joint DPP, will pay the following:

i) Total payment amount of **over** **instalments**

Payment frequency
Weekly Fortnightly Monthly 4 weekly

ii) Lump sum offer of

iii) Lump sum to be paid on the following date or dates:

iv) Realisation of the following asset(s):

SECTION 5

5. Notification by Continuing Money Adviser or the DAS Administrator (where appropriate)

You are notified that the debtor, or debtors in the case of a joint programme, specified in this notice are taking part in a DPP approved under the Debt Arrangement Scheme (Scotland) Regulations 2011.

Name of person sending this notice _____ date _____

5a. Details of Continuing Money Adviser or the DAS Administrator (where appropriate)

ID No. (where appropriate)	<input type="text"/>
Name	<input type="text"/>
Address	<input type="text"/>
Contact Name (if different)	<input type="text"/>
Phone No.	<input type="text"/>

5b. Continuing Money Adviser administration fee (if applicable)

Setup fee

Administration fee (if not included in setup fee)

Frequency of administration fee (if applicable)

The DAS Administrator will use information provided to discharge their statutory functions under the Debt Arrangement and Attachment (Scotland) Act 2002 and other relevant legislation, including placing debtor's details on the DAS register. Personal information will not be disclosed to third parties except as provided by legislation.

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IMPORTANT INFORMATION FOR CREDITORS

The Debt Arrangement Scheme (DAS)

The Debt Arrangement Scheme is a statutory scheme that has binding legal effect. A DAS debt payment programme (DPP) has effect when it is approved by the DAS Administrator, on behalf of Scottish Ministers - the Accountant in Bankruptcy, 1 Pennyburn Road, Kilwinning, KA13 6SA.

DAS helps people with debts to pay most of what they owe to their creditors over an agreed period of time. No further interest or charges can be added to the debt whilst the DPP continues and they are written off on completion of the DPP.

This form is a notice to you that the DAS Administrator has approved a DPP as proposed by the debtor, or debtors in the case of a joint DPP, named above. The debtor(s) is, therefore, protected from enforcement.

The protection will apply until the programme is completed but will stop if the programme is revoked before completion, for example due to non-payment by the debtor(s).

IT IS UNLAWFUL TO SEQUESTER (MAKE BANKRUPT), OR TO USE DILIGENCE (ENFORCEMENT) AGAINST A DEBTOR WHO IS PROTECTED FROM ENFORCEMENT.

Further information about the rights and duties of debtors and creditors under DAS is available on the Accountant in Bankruptcy website at: www.aib.gov.uk

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SCHEDULE 5

Regulation 18(5)

Amendments to Form 4 (Application for variation of a Debt Payment Programme)

Section 3

3 Grounds for Variation (Regulation 37)

I apply for a variation because:

- a There is an agreement between the debtor, or in the case of a joint DPP the debtors, and each creditor participating in the programme. Yes No
- b There is an agreement between the debtor and a creditor to cancel the obligation to repay an amount. Yes No
- c The programme is one in relation to which a request for the consent of every creditor was made before 30th June 2007 and the variation is to 'freeze' interest and charges otherwise due to these creditors. Yes No
- d There has been a material change in the circumstances of the debtor or, in the case of a joint DPP, the debtors. Yes No
- e A debt has been omitted from, or was wrongly assessed for the programme due to a mistake, oversight, or other reasonable cause. Yes No
- f There is a debt that was future or contingent which was known but not quantifiable at the date of approval, is now quantified and due for payment. Yes No
- g The debtor, or the debtors in the case of a joint DPP, needs credit to meet an essential requirement. Yes No
- h The debtor, or in the case of a joint DPP the debtors, wishes to defer payment for a period of 6 months, with the period of the DPP to be extended accordingly, as the debtor's disposable income has reduced by 50% or more as a result of the circumstances specified below:
 - A period of unemployment or change in employment;
 - A period of leave from employment for maternity, paternity, adoption or to care for a dependant;
 - A period of illness;
 - Divorce, dissolution of civil partnership or judicial separation; or
 - Death of a person with whom the debtor shared financial responsibilities or otherwise.
 - Reduction in social security benefits or tax credits (or both)

Provide full details and evidence in respect of 3a) to 3h) below.

Supporting Information:

SCHEDULE 6

Regulation 18(6)

Amendments to Form 4B (Application for variation of a Debt Payment Programme: legal persons and other entities)

PART 1

SECTION 4

4 **Grounds for Variation** (Regulation 37)

I apply for a variation because:

- 4a There is an agreement between the business and each creditor participating in the programme. Yes No
- 4b There is an agreement between the business and a creditor to cancel the obligation to repay an amount. Yes No
- 4c There has been a material change in the circumstances of the business. Yes No
- 4d A debt has been omitted from, or was wrongly assessed for the programme due to a mistake, oversight, or other reasonable cause. Yes No
- 4e There is a debt that was future or contingent which was known but not quantifiable at the date of approval, is now quantified and due for payment. Yes No
- 4f The business needs credit to meet an essential requirement. Yes No
- 4g The business needs to defer payments for a period not exceeding 6 months, with the period of the DPP to be extended accordingly (subject to regulation 27(2)(f)(iii)). Yes No

Provide full details and evidence in respect of 4a) to 4g) below.

Supporting Information:

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SECTION 5

5 Effect of the Variation

I wish to:

5a Change the debt included in the DPP. Yes No

If 'yes', provide details of the debt to be included or excluded below:

Creditor's Name & address	Creditor ID ref.	Account number	Amount owed £ p	Tick if new debt not in the programme

If 'yes', provide details of income and expenditure at 5c below:

5b Arrange for a payment break not exceeding 6 months on the grounds at 4g above Yes No

If 'yes' term of payment break,

If 'yes', provide details of income and expenditure at 5c below

5c Vary the amount payable to the creditors. Yes No

If 'yes', provide details below of net income, expenditure and revised payment offer:

Forecast	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Total
Cash inflow													
Expenditure													
Surplus													

Revised payment offer of over instalments

Payment frequency

Weekly Fortnightly Monthly
4 weekly

ii) Lump sum offer of

iii) Lump sum to be paid on the following date or dates:

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iv) Realisation of the following non-trading asset(s) for the benefit of creditors and with prior approval of the business's money adviser:

5d

Other

Yes No

Provide full details in respect of 5a) to 5d) below.

Supporting Information:

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PART 2

SECTION 7

7 **Declaration by money adviser** (where applicable)

I declare that the debtor received appropriate financial advice and information about varying the DPP, including the implications of the variation.

I declare that the debtor has consented to proceed with this application without signing this declaration.

I declare that the debtor is viable at the date of this application and I have attached a declaration of viability (in form 7)

(Where this application is to defer payment for a period not exceeding 6 months)
I declare that in my opinion the debtor would still be viable despite the payment break applied for (Regulation 36(6))