
STATUTORY INSTRUMENTS

2020 No. 1311

**The Debt Respite Scheme (Breathing Space
Moratorium and Mental Health Crisis Moratorium)
(England and Wales) Regulations 2020**

PART 2

Breathing space moratorium

Application for a breathing space moratorium

- 23.**—(1) A debtor may apply to a debt advice provider for a breathing space moratorium.
- (2) An application may not be made unless the debtor has first obtained advice, whether in person, over the telephone or by electronic means.
- (3) The application must be made to the debt advice provider who has provided the advice referred to in paragraph (2).
- (4) The application must include the following information—
- (a) the debtor’s full name, date of birth and usual residential address, and
 - (b) the trading name or names and address of any business carried on by the debtor.
- (5) The application must include the following information to the extent that the information is known by the debtor and relevant—
- (a) details of the debts to which the debtor is subject at the date of the application and contact details of the creditor to whom each debt is owed, and
 - (b) details of any enforcement agent or other agent instructed by a creditor for the purpose of collection or enforcement of the debt including the agent’s contact details.
- (6) An application to a debt advice provider under this regulation may include an application for non-disclosure of the debtor’s usual residential address under regulation 38.
- (7) In paragraph (2) “advice” means advice as to the suitability, conditions and consequences of a breathing space moratorium for the debtor.