

SCHEDULE 1

Regulation 2(2)

ARRANGEMENT OF FORMS

1

Application for approval as a money adviser

2

Application for approval as a payments distributor

3

Application for approval of a debt payment programme

4

Notification to creditor of application for approval of a debt payment programme

5

Notification of approval of a debt payment programme

6

Payment instruction to employer

7

Notice of recall of an arrestment

8

Application for variation of a debt payment programme

9

Notification to creditor of determination of variation

10

Application for revocation of a debt payment programme

11

Notice of revocation

12

Report of completion by a payments distributor

13

Notice of completion by money adviser

1

**Status:** This is the original version (as it was originally made).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

14

Confirmation of completion by DAS administrator

15

Notification to creditor of completion of a debt payment programme

Signature

Explanatory Note

Regulation 8(1)

The Debt Arrangement Scheme (Scotland) Regulations 2004

**FORM 1 APPLICATION FOR APPROVAL AS A MONEY ADVISER**

1	Date of Application (dd/mm/yyyy)	
2	Details of Money Adviser Surname	
	First Name	
	Other Names	
3	Name of Organisation	
	Business Address	
	Postcode	
	Business phone number	
	E-mail address	
4	MATRICS Certificate Number	
5	Details of money adviser training (if no MATRICS certificate)	

Regulation 13(1)

The Debt Arrangement Scheme (Scotland) Regulations 2004

**FORM 2 APPLICATION FOR APPROVAL AS A PAYMENTS DISTRIBUTOR**

**Status:** This is the original version (as it was originally made).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

1	Date of Application (dd/mm/yyyy)	<table border="1" style="width: 100%; height: 20px;"><tr><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td></tr></table>												
2	Details of Payment Distributor Name of Organisation	<table border="1" style="width: 100%; height: 20px;"><tr><td style="width: 100%;"></td></tr></table>												
	Business Address	<table border="1" style="width: 100%; height: 20px;"><tr><td style="width: 100%;"></td></tr></table>												
	Business phone number	<table border="1" style="width: 100%; height: 20px;"><tr><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td><td style="width: 12.5%;"></td></tr></table>												
	E-mail address	<table border="1" style="width: 100%; height: 20px;"><tr><td style="width: 100%;"></td></tr></table>												

6 Declaration

I certify that this organisation meets the requirements of Schedule 5 of the Debt Agreement Scheme (Scotland) Regulations 2004 and attach the necessary supporting documentation

Signature

Name

Position held

Date

Regulation 20(2)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
FORM 3 APPLICATION FOR APPROVAL OF A DEBT PAYMENT PROGRAMME

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

**SECTION 1**

1	Date of Application (dd/mm/yyyy)	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>												
2	Money Adviser Case Number	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>												
3	Details of Applicant Gender	Female <input type="checkbox"/> Male <input type="checkbox"/>												
	Surname	<table border="1"><tr><td></td></tr></table>												
	First Name	<table border="1"><tr><td></td></tr></table>												
	Other Names	<table border="1"><tr><td></td></tr></table>												
4	Date of Birth	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>												
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	Postcode	<table border="1"><tr><td></td></tr></table>												

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

6 Business Address (if applicable)


Postcode

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7 Details of Money Adviser

Surname

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First Name

--

Other Names

--

DAS Approval Number

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8 Name of Organisation

--

Business Address


Postcode

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Business phone number

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E-mail address

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*Questions 9 to 18 must be completed*

9 Has the applicant 2 or more debts? Yes  No

10 Is the applicant party to any trust deed? Yes  No

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- 11 Has the applicant's estate been sequestrated and the applicant not been discharged under Section 54 (automatic discharge after 3 years) or 75 (amendments, repeals and transitional provisions) of the 1985 Act? Yes  No
- 12 Is payment of any of the applicant's debts being made under a pre-existing conjoined arrestment order? Yes  No
- 13 Has a creditor attempted to enforce a debt due by the applicant that is not included in a pre-existing conjoined arrestment order? Yes  No
- 14 Has the applicant agreed in writing that a debt not legally constituted is due for payment? Yes  No

**SECTION 2**

15 **Details of debts**

	Description of debt	Name and address of creditor (including postcode)	Amount owed	Period for which debt due	Percentage of total debt
1					
2					
3					

(Continue to list all applicable debts)

**Total amount owed** £

**Payment offer** £  
(specify amount offered in respect of each creditor in the proposed programme)

**Payment frequency**  
(select as appropriate)

Weekly

Fortnightly

Monthly

4 Weekly

**Period in which debts will be paid under proposed programme**

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

16 Nominated Payment Distributor Details

Name of Distributor  
*(Must be approved for the purpose of the Debt Arrangement Scheme)*

17 Payment method  
*(select appropriate box with an X)*

Direct debit	<input type="checkbox"/>
Standing Order	<input type="checkbox"/>
Cheque	<input type="checkbox"/>
Postal order	<input type="checkbox"/>
Other <i>(eg smart card etc)</i>	<input type="checkbox"/>

18 Has every creditor of the applicant consented to this application?      Yes       No

*(If the answer to Q is Yes move to Q19, and if no to Q21)*

19 Is the amount owned by the applicant to any one non-consenting creditor 50% or more than the total debt included in the programme?      Yes       No

20 Is the amount due to all creditors refusing to consent 60% of the total debt included in the programme?      Yes       No

21 Have objections been received from a creditor/creditors?      Yes       No

*(If the answer is yes, then go to Q22, if no then go to end of form)*

22 Grounds of objection are

(a) The creditor considers that the applicant should be sequestrated      Yes       No

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(b) The creditor considers that the applicant is in possession of heritable property with substantial unsecured value

Yes  No

**SECTION 3**

23 Are any earnings subject to an earnings arrestment?

Yes  No

24 Has any sum due to, or property held on behalf of, the applicant been arrested?

Yes  No

25 Is there any conjoined arrestment order?

Yes  No

26 Is there any other deduction from income order or agreement (eg a student loan deduction from earnings order)?

Yes  No

*(If the answer to any of Q23 to 26 is yes, then provide full details)*

**SECTION 4**

27 Use this section to provide any further information considered relevant to the application for approval.

**Signature of applicant**

28 I apply for approval of the debt payment programme set out in this application

Signature

**Declaration by Money Adviser**

29 I confirm that I have given the applicant money advice in accordance with section 3(1) of the Debt Arrangement and Attachment Act 2002

Signature

Regulation 22(2)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
**FORM 4NOTIFICATION TO CREDITOR OF APPLICATION FOR APPROVAL OF A DEBT PAYMENT PROGRAMME**



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

1	Details of creditor Name of company or firm <i>(or, if appropriate)</i> Surname	
	First Name	
	Other Names	
2		
	Address	
	Postcode	
3		
	Details of Applicant for approval of debt payment programme Surname	
	First Name	
	Other Names	
4		
	Date of Birth	
5		
	Home Address	
	Postcode	

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

6	Business Address (if applicable)	<input type="text"/>
		<input type="text"/>
		<input type="text"/>
	Postcode	<input type="text"/>
7	Date of application for approval of the programme (dd/mm/yyyy)	<input type="text"/>
8	Details of Money Adviser for applicant	
	Surname	<input type="text"/>
	First Names	<input type="text"/>
9	Money adviser case reference	<input type="text"/>
10	Name of Organisation	<input type="text"/>
	Business Address	<input type="text"/>
		<input type="text"/>
		<input type="text"/>
	Postcode	<input type="text"/>
	Business phone number	<input type="text"/>
	E-mail address	<input type="text"/>

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

11 Debt due to creditor

Description of debt <i>(include creditor account or reference number)</i>	Amount owed	Interest, charges and expenses	Total amount due	Period for which debt due
--	-------------	--------------------------------	------------------	---------------------------

*(Continue to list all debts due to the creditor, if more than one)*

**Payment offer** **£**  
*(Specify amount offered in respect of each debt, if more than one)*

**Payment frequency**  
*(select as appropriate)*

Weekly	
Fortnightly	
Monthly	
4 Weekly	

Period in which debt(s) will be paid under proposed programme

12 Payment distributor details

Name of payments distributor

Declaration by Money Adviser

13 You are requested to consent to payment of the debt(s) due to you set out in section 10 as stated in that section

Signature,  
or name of person intimating this form

Date

**IMPORTANT INFORMATION FOR CREDITORS**

A fair and reasonable debt payment programme will be approved under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002, and the Debt Arrangement Scheme (Scotland) Regulations 2004. If approved, the debt payment programme will protect the applicant from enforcement action, or from sequestration, by you. You should seek legal advice before responding to this Notification.

You do not need to consent to the payment offer by the applicant. You are also entitled to object to the debt payment programme. The grounds of objection are that you consider that the applicant should be sequestrated, or is in possession of heritable property with a substantial unsecured value.

If you wish to refuse consent, or to object, then you must contact the money adviser stated in this Notification within 21 days of the date of this Notification. If you do not contact the money adviser then you will be deemed to consent to the proposed debt payment programme.

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Regulation 31(4) and 35(2)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
FORM 5 NOTIFICATION OF APPROVAL OF A DEBT PAYMENT PROGRAMME

1	Creditor	
	Name of company or firm (or, if appropriate)	
	Surname	
	First Name	
	Other Names	
	Address	
	Postcode	
2	Debtor	
	Surname	
	First Name	
	Other Names	
	Date of Birth	

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

Home Address	<input type="text"/> <input type="text"/> <input type="text"/>
Postcode	<input type="text"/>
Business Address (if applicable)	<input type="text"/> <input type="text"/> <input type="text"/>
Postcode	<input type="text"/>
3 Date of Approval (dd/mm/yyyy)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
4 Money Adviser Surname	<input type="text"/>
First Name(s)	<input type="text"/>
Money adviser case reference	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Name of Organisation	<input type="text"/>
Business Address	<input type="text"/> <input type="text"/> <input type="text"/>
Postcode	<input type="text"/>
Business phone number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
E-mail address	<input type="text"/>

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5 Debt

Description of debt <i>(include any creditor account or reference number)</i>	Amount owed	Interest, charges and expenses	Total amount due
--	-------------	--------------------------------	------------------

*(Continue to list all debts due to the creditor, if more than one)*

**Approved Payment** £   
*(Specify amount approved in respect of each debt, if more than one)*

**Payment frequency**  
*(select as appropriate)*

Weekly	<input style="width: 90%;" type="text"/>
Fortnightly	<input style="width: 90%;" type="text"/>
Monthly	<input style="width: 90%;" type="text"/>
4 Weekly	<input style="width: 90%;" type="text"/>

**Period in which debt(s) will be paid under proposed programme**

Discretionary conditions attached to the programme (if any)

6 Payments Distributor

Name of payments distributor

7 Notification

You are notified that the debtor specified in this notice is taking part in a debt payment programme approved under the Debt Arrangement Scheme (Scotland) Regulations 2004	Signature, or name of person sending this notice
	Date

**IMPORTANT INFORMATION FOR CREDITORS**

The debt arrangement scheme is constituted under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002. The Debt Arrangement Scheme (Scotland) Regulations 2004 specify the circumstances in which a debt payment programme may be approved under that scheme. An approved debt payment programme protects the applicant from enforcement action, or from sequestration, by most creditors. You may wish to obtain legal advice about the effect of such approval in general, and of this notice in particular.

Regulation 33(1)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
FORM 6 PAYMENT INSTRUCTION TO EMPLOYER

1	Date of Instruction (Dd/mm/yyyy)	<table border="1" style="border-collapse: collapse;"><tr><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td></tr></table>										
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3	Payment amount	£ <table border="1" style="border-collapse: collapse;"><tr><td style="width: 150px; height: 25px;"></td></tr></table>										
4	Employee/debtor details											
	Surname	<table border="1" style="border-collapse: collapse;"><tr><td style="width: 350px; height: 25px;"></td></tr></table>										
	First Name	<table border="1" style="border-collapse: collapse;"><tr><td style="width: 350px; height: 25px;"></td></tr></table>										
	Other Names	<table border="1" style="border-collapse: collapse;"><tr><td style="width: 350px; height: 25px;"></td></tr></table>										
	Pay reference (If known)	<table border="1" style="border-collapse: collapse;"><tr><td style="width: 350px; height: 25px;"></td></tr></table>										
	National Insurance No	<table border="1" style="border-collapse: collapse;"><tr><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td><td style="width: 25px; height: 25px;"></td></tr></table>										
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5 Employer details

Name of company or firm  
(and/or if appropriate)

Surname

First Name

Business address

Daytime Telephone No

6 Money Adviser

Surname

First Name(s)

Organisation name and  
business address

7 Payment Distributor

Name

Business address

The employee/debtor specified in section 4 instructs you to deduct the sum specified in section 3 from the net earnings of the employee/debtor from the next payday and at each payday thereafter, and pay it as soon as reasonably practicable to the payment distributor specified in section 7, quoting the Unique Reference Number on this mandate.

Deductions should be made until the total sum of £(insert amount) has been paid, or until notice of recall of this instruction if earlier.

It is your duty under section 6 of the Debt Arrangement and Attachment (Scotland) Act 2002 to comply with this instruction. You are entitled, by virtue of regulation 33 of the Debt Arrangement Scheme (Scotland) Regulations 2004 to charge a fee equivalent to the fee chargeable under section 71 of the Debtors (Scotland) Act 1987.

Signature, or name of person giving  
this notice

Date



Regulation 35(1)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
FORM 7 NOTICE OF RECALL OF AN ARRESTMENT

1	Date <i>(dd/mm/yyyy)</i>	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																																																																																
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4	Money Adviser Surname	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																																																																																
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Organisation name and business address	

5 Party in possession of the funds or property

Surname, or name of firm and company First Name(s) <i>(if applicable)</i>	

Organisation name and business address	

6 Details of funds or property arrested


Account No, if any																				
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7 Date of Arrestment <i>(dd/mm/yyyy)</i>																				
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A debt payment programme has been approved for the above named debtor in terms of the Debt Arrangement Scheme (Scotland) Regulations 2004. The arrestment specified in this notice has been RECALLED in terms of regulation 35(1)(a) of those Regulations.

Signature, or name of person giving this notice

Date

Regulation 37(5)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
FORM 8 APPLICATION FOR VARIATION OF A DEBT PAYMENT PROGRAMME

**SECTION 1**

1	Date of Application (dd/mm/yyyy)	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																																																																																
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**SECTION 3**

- 12 Use this section to provide any further information considered relevant to the application for variation

**SECTION 4**

- 13 In a debtor application, a copy of this form has been given to each creditor taking part in the debt payment programme

Yes  No

- 14 In a creditor application, a copy of this form has been given to the debtor, and to each creditor taking part in the programme

Yes  Yes

*(An application for variation may not be considered by the DAS administrator unless you answer yes to both Q 13 and 14)*

**SECTION 5**

Declaration by money adviser

*(Only applies where the debtor is applying for variation)*

- 15 I confirm that I have given the debtor money advice in respect of the variation sought, in accordance with section 3(1) of the Debt Arrangement and Attachment (Scotland) Act 2002

Signature

- 16 Signature of applicant  
I/we apply for approval of the variation of the debt payment programme, as set out in this application

Signature

Regulation 40 (4)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
**FORM 9 NOTIFICATION TO CREDITOR OF DETERMINATION OF VARIATION**

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

1	Unique CMS identifier																					
2	Creditor																					
	Surname, or name of firm or company	<input type="text"/>																				
	First Name(s)	<input type="text"/>																				
	Business Address	<input type="text"/>																				
		<input type="text"/>																				
		<input type="text"/>																				
	Postcode	<input type="text"/>																				
	Account or Reference No	<table border="1" style="border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>																				
3	Debtor																					
	Surname	<input type="text"/>																				
	First Name	<input type="text"/>																				
	Other Names	<input type="text"/>																				
	Home and (if applicable) Business Address	<input type="text"/>																				
		<input type="text"/>																				
		<input type="text"/>																				
	Postcode	<input type="text"/>																				
4	The DAS Administrator has Approved the variation to the debt payment programme	<input type="checkbox"/>																				
	The varied programme will commence with effect from	<table border="1" style="border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>																				
	Expected completion date of debt payment programme	<table border="1" style="border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>																				

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The amended payment rate (if applicable)	<input type="text"/>
Conditions attached to the debt payment programme (if any)	<input type="text"/>
Rejected the variation to the debt payment programme	<input type="checkbox"/>
Reason(s) for the rejection is/are	<input type="text"/>
5 Money Adviser	
Surname	<input type="text"/>
First Name	<input type="text"/>
Organisation name and business address	<input type="text"/>
	<input type="text"/>
Postcode	<input type="text"/>
6 Date notification issued by Money Adviser	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
	<input type="text"/>

Regulation 42(2)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
**FORM 10 APPLICATION FOR REVOCATION OF A DEBT PAYMENT PROGRAMME**

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

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	Other Names	<table border="1"><tr><td></td></tr></table>										
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	Home Address	<table border="1"><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr></table>										
	Business Address (If applicable)	<table border="1"><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr><tr><td></td></tr></table>										
4	Money Adviser Surname	<table border="1"><tr><td></td></tr></table>										
	First Name(s)	<table border="1"><tr><td></td></tr></table>										
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Organisation name and business address


Daytime Telephone No

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5 Date of approval of debt Payment programme (dd/mm/yyyy)

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

6 Applicant Surname

--

First Name

--

Other Names

--

Address


The applicant is the debtor

Yes  No

The applicant is a creditor

Yes  No

The Debtor has a money adviser

Yes  No

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

7 Grounds for revocation

*(References are to regulations of the Debt Arrangement Scheme (Scotland) Regulations 2004)*

- |   |                                     |                                    |
|---|-------------------------------------|------------------------------------|
| <p><b>A</b> The debtor has failed without reasonable cause to satisfy a condition under Regulation 26</p>                                 | <p>Yes <input type="checkbox"/></p> | <p>No <input type="checkbox"/></p> |
| <p>(a) To make all payments under a programme as they fall due</p>  | <p>Yes <input type="checkbox"/></p> | <p>No <input type="checkbox"/></p> |
| <p>(b) To pay a continuing liability when due for payment</p>   | <p>Yes <input type="checkbox"/></p> | <p>No <input type="checkbox"/></p> |
| <p>(c) Except for a continuing liability, to make no additional payment to a Creditor taking part in a programme</p>                      | <p>Yes <input type="checkbox"/></p> | <p>No <input type="checkbox"/></p> |
| <p>(d) To not seek or obtain credit beyond that permitted by regulation 35(1)(b) or by a variation of a programme under regulation 39</p> | <p>Yes <input type="checkbox"/></p> | <p>No <input type="checkbox"/></p> |
| <p>(e) To notify the Money Adviser for a programme of any</p>   | <p>Yes <input type="checkbox"/></p> | <p>No <input type="checkbox"/></p> |
| <p>(i) Change of address; and</p>   |                                     |                                    |
| <p>(ii) Material change of circumstances</p>  |                                     |                                    |
| <p>(f) To supply the Money Adviser for a programme with any information or documentation</p>  | <p>Yes <input type="checkbox"/></p> | <p>No <input type="checkbox"/></p> |

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- B The debtor has failed without reasonable cause to satisfy a condition under Regulation 30
- |     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|
- (a) That the debtor shall realise and distribute amongst the creditors the value of any asset
- |     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|
- (b) That the debtor shall sign and deliver a payment instruction to an employer
- |     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|
- (c) That the debtor shall seek agreement from a creditor to pay a continuing liability under regulation 34
- |     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|
- (d) That the debtor shall complete and return when due a tax or duty return or declaration
- |     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|
- (e) That the debtor shall maintain an emergency fund
- |     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|
- (f) That the debtor is in breach of any other condition of the programme
- |     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|
- C The debtor has made a statement in an application under the Regulations which the debtor knows to be untrue
- |     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|
- D An instalment due under the programme is due, and there remains unpaid a sum, due under previous instalments, of not less than the aggregate of two instalments
- |     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

Use this space to provide any further information considered relevant to the application for revocation

**Application**

I/we apply for revocation of the debt payment programme, as set out in this application

Signature, or name and designation of person making this application

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

Regulation 45(3) and (4)

The Debt Arrangement Scheme (Scotland) Regulations 2004

FORM 11 NOTICE OF REVOCATION

1	Date (dd/mm/yyyy)	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										
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4	Creditor Surname	<table border="1"><tr><td></td></tr></table>										
	First Name	<table border="1"><tr><td></td></tr></table>										
	Other Names	<table border="1"><tr><td></td></tr></table>										

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Organisation name and business address	    								
5 Date of approval of programme (dd/mm/yyyy)	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>								
6 Date programme revoked (dd/mm/yyyy)	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>								
7 Reason(s) programme revoked	    								
8 Date notice of revocation issued by money adviser or DAS administrator (dd/mm/yyyy)	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>								

**IMPORTANT INFORMATION**

**The debt arrangement scheme is constituted under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002. The Debt Arrangement Scheme (Scotland) Regulations 2004 specify the circumstances in which a debt payment programme may be revoked under that scheme. An approved debt payment programme protects the applicant from enforcement action, or from sequestration, by most creditors. On revocation, those protections cease to apply. You may wish to obtain legal advice about the effect of such revocation in general, and of this notice in particular.**

Regulation 47

The Debt Arrangement Scheme (Scotland) Regulations 2004  
**FORM 12REPORT OF COMPLETION BY A PAYMENTS DISTRIBUTOR**

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5	Payments Distributor Name of firm or company	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																																																																								
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Regulation 48(1)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
FORM 13 NOTICE OF COMPLETION BY MONEY ADVISER

1 Date of Notice  
(dd/mm/yyyy)

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2 Unique CMS Identifier

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3 Debtor

Surname

First Name

Other Names


Home Address


Business Address  
(If applicable)


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4	Money Adviser Surname	<input type="text"/>
	First Name(s)	<input type="text"/>
	Organisation name and business address	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
	Daytime Telephone No	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
	Debt payment programme	
5	Date of approval of programme	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
6	Amount of debt included in programme	<input type="text"/>
7	A report has been received from the payment distributor advising that the Debt Approval programme was completed	Yes <input type="checkbox"/> No <input type="checkbox"/>
8	The creditors in the Debt Approval programme have agreed in writing to completion before the end of the period of the programme	Yes <input type="checkbox"/> No <input type="checkbox"/>
9	Use this space to provide any other information relevant to the completion of the programme	<input type="text"/>

Regulation 49(1)

The Debt Arrangement Scheme (Scotland) Regulations 2004  
**FORM 14 CONFIRMATION OF COMPLETION BY DAS ADMINISTRATOR**



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3	Debtor Surname	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																																																																																
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	Postcode	<input type="text"/>
	Business address (if appropriate)	<input type="text"/> <input type="text"/> <input type="text"/>
	Postcode	<input type="text"/>
3	Creditor Surname, or name of firm or company	
	Business address	<input type="text"/> <input type="text"/> <input type="text"/>
	Postcode	<input type="text"/>
	Account or other reference number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
4	Money adviser Surname	<input type="text"/>
	First Name(s)	<input type="text"/>
	Organisation name and business address	<input type="text"/> <input type="text"/> <input type="text"/>
	Postcode	<input type="text"/>
5	Date of approval of programme	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
6	Sum repaid under programme	£ <input type="text"/>
7	Date of completion of programme	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
	Date (dd/mm/yyyy)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

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## SCHEDULE 2

Regulation 5

## FEES

<i>Column 1 Matters</i>	<i>Column 2 Fees payable</i>
Single inspection of the Debt Arrangement Scheme Register (“DAS Register”)	£5
Multiple inspections of the DAS Register, for–	
(a) (a) one week	(a) (a) £100
(b) (b) 4 weeks	(b) (b) £250
(c) (c) one year	(c) (c) £500

*Note: inspection fees payable in advance*

## SCHEDULE 3

Regulation 5

## CONSEQUENTIAL AMENDMENTS

*Bankruptcy (Scotland) Act 1985*

1. In section 14 (registration of court order) of the 1985 Act(1), after sub section (1)(b) insert–
  - “(c) a copy of the order to the DAS administrator (as defined in regulation 2(1) of the Debt Arrangement Scheme (Scotland) Regulations 2004), where the debtor is taking part in a debt payment programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002”.
2. In section 15 (further provisions relating to sequestration) of the 1985 Act(2), for subsection (5) (b) substitute–
  - “(b) forthwith send a copy of the order refusing or awarding sequestration to–
    - (i) the Accountant in Bankruptcy;
    - (ii) the DAS administrator (as defined in regulation 2(1) of the Debt Arrangement Scheme (Scotland) Regulations 2004), where the debtor is taking part in a debt payment programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002”.

*Mortgage Rights (Scotland) Act 2001*

3. In section 2(2)(b) (disposal of application) of the Mortgage Rights (Scotland) Act 2001(3), after “default” insert–
 

“and where appropriate to participation by the debtor in a debt payment programme approved under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002”.

(1) 1985 c. 66. Section 14 was amended by the Bankruptcy (Scotland) Act 1993 (c. 6) (“the 1993 Act”), Schedule 1, paragraph 3.  
 (2) 1985 c. 66. Section 15 was amended by the 1993 Act, Schedule 1, paragraph 4.  
 (3) 2001 asp 11.

*Debt Arrangement and Attachment (Scotland) Act 2002*

4. In section 47(4) (exceptional attachment order) of the Act, at the end of paragraph—
- (a) (f), omit “and”; and
  - (b) (g), insert—
    - “; and
    - (h) whether an application by the debtor for approval of a debt payment programme under Part 1 of this Act has been refused or approved, and if approved, whether that programme has been varied, or is revoked or completed.”.

SCHEDULE 4

Regulation 8(3)

MONEY ADVISER TRAINING

1. The relationship between prescription or limitation, and enforcement of debt.
2. The consequences for a debtor—
  - (i) sequestration;
  - (ii) taking part in a debt payment programme;
  - (iii) signing a trust deed;
  - (iv) a trust deed becoming a protected trust deed; and
  - (v) extra-judicial composition.
3. The operation of—
  - (i) an earnings arrestment;
  - (ii) a furthcoming;
  - (iii) an attachment, exceptional attachment and auction of moveables; and
  - (iv) the debt arrangement scheme under Part 1 of the Act and prescribed by these Regulations.
4. The nature of rights of appeal from the sheriff court.
5. Assisting a client to—
  - (a) respond to admitted money claims in the sheriff courts;
  - (b) make or oppose an application in the sheriff courts for—
    - (i) recall of decree;
    - (ii) dismissal or absolvitor;
    - (iii) continuation of a cause;
    - (iv) a sist;
  - (c) apply for recall or restriction of an arrestment;
  - (d) make an application under the Debtors (Scotland) Act 1987(4);
  - (e) apply for recall of an attachment, exceptional attachment, or an order under Parts 2 and 3 of the Act; or
  - (f) make an application under these Regulations.

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(4) 1987 c. 18.

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6. Identifying the need to refer a case to an appropriate specialist, and know how to access specialist support.

## SCHEDULE 5

Regulation 13(3)

### PAYMENTS DISTRIBUTORS

A payments distributor shall:–

1. Hold a current licence under the Consumer Credit Act 1974<sup>(5)</sup>.
2. Be registered under the Data Protection Act 1998<sup>(6)</sup> as a data processor.
3. Make and maintain arrangements to ensure financial security of sums received from debtors for disbursement to creditors.
4. Make and maintain appropriate arrangements to accept and disburse payments using all methods approved under regulation 32(1).
5. Make and maintain appropriate arrangements to ensure compliance with Office of Fair Trading Codes of Practice relative to debt management and collection guidance.
6. Make and maintain appropriate arrangements for customer services.
7. Make and maintain appropriate arrangements for the issue of required reports.
8. Provide an information technology system to transmit reports to debtors, creditors, money advisers, DAS administrator by the preferred medium (e.g. text and or data files).

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<sup>(5)</sup> 1974 c. 39.

<sup>(6)</sup> 1998 c. 29.