
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 141

The Debt Arrangement Scheme (Scotland) Regulations 2011

PART 11

REVOCATIONS, SAVING AND TRANSITIONAL ARRANGEMENTS

Revocation of Debt Arrangement Scheme regulations

48. The Regulations (or provisions of those Regulations) specified in Schedule 5 are revoked.

Savings and transitional arrangements

49.—(1) Any money adviser approved by the DAS Administrator immediately before 1st July 2011 continues to—

- (a) be approved as a money adviser for the purposes of these Regulations; and
- (b) act as a money adviser in respect of a debtor for any programme in effect at that date in accordance with the provisions of these Regulations (see in particular regulation 12 of these Regulations) unless the adviser resigns or otherwise ceases to act.

(2) Any payments distributor approved by the DAS Administrator immediately before 1st July 2011 continues to—

- (a) act as payments distributor in respect of any programme in effect at that date (unless the payments distributor ceases to act); and
- (b) be approved as a payments distributor in relation to those programmes, and approval to act in relation to those programmes is regulated in accordance with the provisions of the Regulations revoked by these Regulations.

50.—(1) Subject to regulation 49 and paragraph (2), the provisions of these Regulations apply to a debt payment programme approved before 1st July 2011 (or a programme approved under regulation 51); and an application for variation or revocation of such a programme can be made in accordance with these Regulations.

(2) Despite paragraph (1), for such a programme—

- (a) no fee is payable under regulation 5(3) of these Regulations; and
- (b) the maximum administration fee payable under regulation 17(2) of these Regulations is 10% of the sum due to be paid to a creditor in a distribution by the distributor;
- (c) any composition or continuing liability can continue to be paid in accordance with regulation 24 or 34 respectively of the Regulations revoked by these Regulations.

51. Debt payment programmes in respect of which a request for the consent of creditors was made before 1st July 2011 but which are not approved by that date are to be considered for approval in accordance with the provisions of the Regulations revoked by these Regulations.