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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 141**

**The Debt Arrangement Scheme (Scotland) Regulations 2011**

**PART 2**

**MONEY ADVISERS**

**Persons who are not and may not be approved**

- 10.** The persons who are not money advisers, and may not be approved as such, are—
- (a) a sheriff officer or messenger-at-arms, or an employee of such a person;
  - (b) a person or body providing financial services, or financial advice other than money advice, in the course of a business or otherwise for profit, or an employee of such a person, unless the person is a—
    - (i) solicitor;
    - (ii) chartered or certified accountant;
    - (iii) a credit union registered under the Industrial and Provident Societies Act 1965<sup>(1)</sup> by virtue of section 1 (registration under the Industrial and Provident Societies Act 1965) of the Credit Unions Act 1979<sup>(2)</sup>;
  - (c) a person providing debt collection services, or an employee of such a person;
  - (d) a person convicted of an offence involving theft, fraud or other dishonesty;
  - (e) a person subject to a bankruptcy restrictions order (including an interim order) or bound by a bankruptcy restrictions undertaking, under Schedule 4A (bankruptcy restrictions order and undertaking) to the 1986 Act<sup>(3)</sup> or under section 56A or as the case may be 56F or 56G of the 1985 Act<sup>(4)</sup>;
  - (f) a person in respect of whom a court has made a disqualification order under section 1, or who has had a disqualification undertaking accepted under section 2, of the Company Directors Disqualification Act 1986<sup>(5)</sup>; or
  - (g) a person whose approval is revoked or suspended under regulation 11.

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(1) 1965 c.12. There are amendments to this Act which are not relevant to these Regulations.

(2) 1979 c.34. Section 1 was amended by S.I. 1996/1189, 2001/2617 and 2538 and 2002/1501.

(3) Section 4A was inserted by the Enterprise Act 2002 (c.40), Schedule 20, paragraph 1.

(4) Sections 56A, 56F and 56G were inserted by the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), section 2.

(5) 1986 c.46, as amended by the Insolvency Act 2000 (c.39), section 5 and Schedule 4, paragraph 2, and the Enterprise Act 2002 (c.40), section 204(3).