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Economy, Energy and Fair Work Committee
Comataidh Eaconamaidh, Lùth is Obair Chothromach

Debt Arrangement Scheme (Scotland)
Amendment Regulations 2019



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Economy, Energy and Fair Work Committee

Remit: To consider and report on economy and fair work matters falling within the responsibilities of the Cabinet Secretary for Finance, Economy and Fair Work; matters relating to the digital economy within the responsibilities of the Minister for Public Finance and Digital Economy, and matters relating to energy falling within the responsibilities of the Minister for Energy, Connectivity and the Islands.

(As agreed by resolution of Parliament on 6 September 2018)



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/economy-committee.aspx>



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Committee Membership



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Willie Coffey
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Scottish Conservative
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Scottish Conservative
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Richard Lyle
Scottish National Party



Gordon MacDonald
Scottish National Party



Andy Wightman
Scottish Green Party

Debt Arrangement Scheme (Scotland) Amendment Regulations 2019

1. The Committee took evidence on the Debt Arrangement Scheme (Scotland) Amendment Regulations 2019 [draft] from Jamie Hepburn, Minister for Business, Fair Work and Skills at its meeting on 17 September 2019. The Official Report is available on the [Committee's website](#).
2. The Regulations were laid on 07 June 2019 and provide for a scheme for the repayment of debts in Scotland (“the DAS Scheme”). DAS is one of the formal, statutory schemes for dealing with problem debt available to debtors in Scotland. Since its inception DAS has been administered by the Accountant in Bankruptcy (AiB). The Regulations provide for the procedure and forms in respect of a repayment arrangement under the scheme, which is described as a debt payment programme (“DPP”).
3. The scheme is open to both individual debtors and to legal persons and other entities (where it is known as “Business DAS”). The Regulations amend the DAS Regulations to implement changes to the way in which payments distributors (“PDs”) are approved and to the definition of continuing money advisers (“CMAs”). The Regulations also make changes to the fees which may be charged by PDs and CMAs acting in a DPP where the debtor is an individual.
4. At its meeting on 25 June, the Committee agreed to take evidence from stakeholders and the AiB ahead of formal consideration of the instrument. The Committee also sought written evidence which can be read [here](#). The Committee took oral evidence from money advisers, ICAS and credit unions on [3 September](#) and from the AiB on [10 September](#).
5. During consideration of the evidence, the Committee agreed to write to the Scottish Government to seek further clarification on Regulation 4. The Committee wrote to the Minister for Business, Fair Work and Skills on [6 September](#) and received a response on [9 September](#).
6. The Committee wrote to the Minister again on [11 September](#) to ask that the Scottish Government consider amending Regulation 4 (by withdrawing and relaying the instrument). The Minister responded on [13 September](#).
7. The AiB wrote to the Committee on [13 September](#) to provide a note on the recent consultation on Protected Trust Deeds. He also made a correction to the information given during the evidence session on 10 September.
8. The Delegated Powers and Law Reform Committee considered the Regulations at its meeting on [18 June](#) and had no issues to report.
9. Following evidence, the Minister for Business, Fair Work and Skills moved motion S5M-17827—

That the Economy, Energy and Fair Work Committee recommends that the Debt Arrangement Scheme (Scotland) Amendment Regulations 2019 [draft] be approved.

10. Committee members raised a number of issues during consideration of evidence and the debate of the Regulations. The Committee has agreed to follow up this report with a letter to the Minister covering several issues raised during evidence.

After debate, the motion was agreed to (by division: For 5, Against 4, Abstentions 0).

