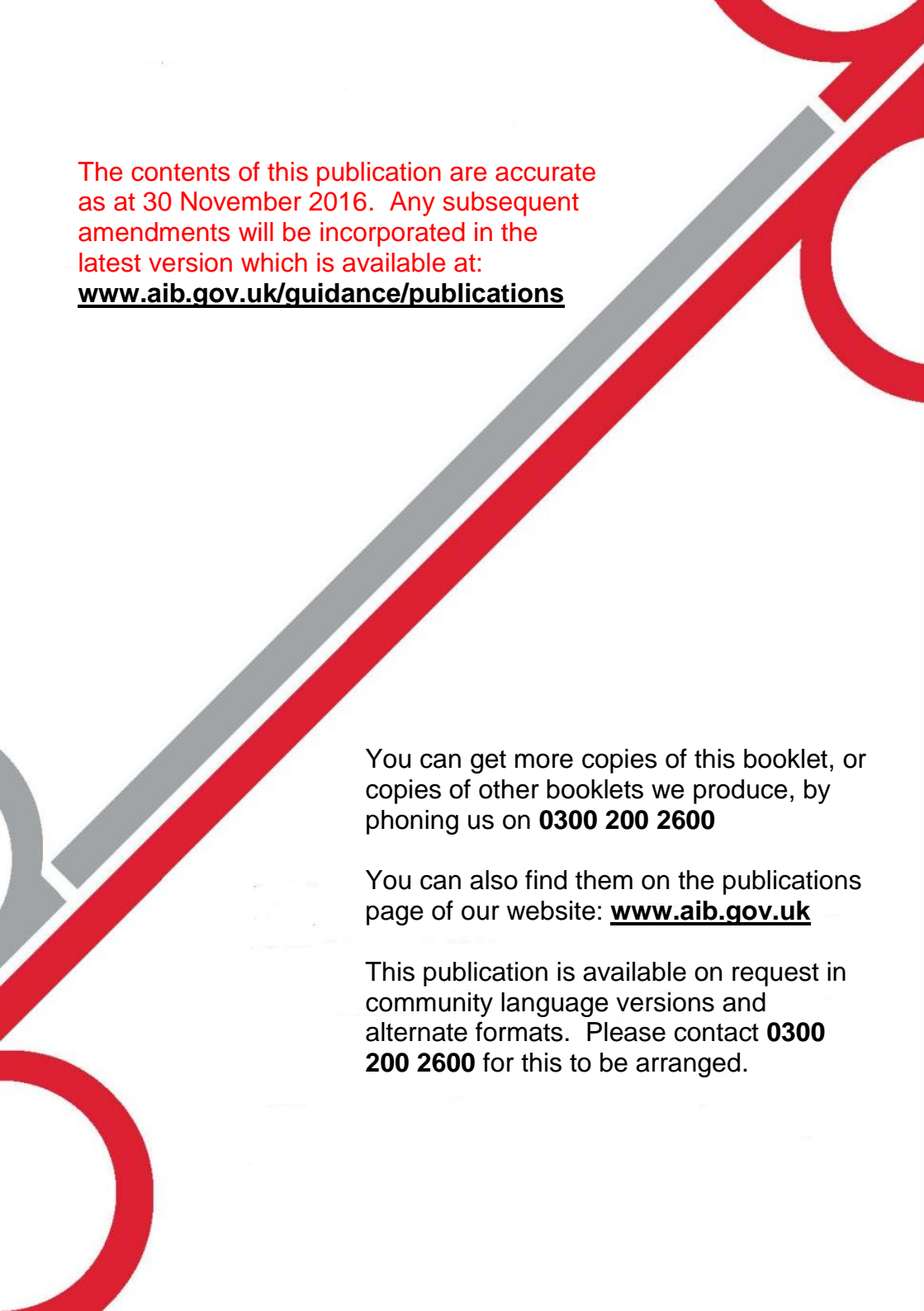




Debt and the consequences

Important information to help you deal with your creditors and debt



The contents of this publication are accurate as at 30 November 2016. Any subsequent amendments will be incorporated in the latest version which is available at:
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Contents

1. Why should I read this booklet?	1
2. How can a money advisor help me?	2
3. Who can give me help and advice?	3
4. What can I do about my debts?	4
Debt management plans	4
Debt Arrangement Scheme (DAS)	5
Trust Deeds	6
Bankruptcy	8
What are my choices	10
5. What legal steps can creditors take against me?	12
6. What happens when my creditor takes me to court?	13
How do I know if I am being taken to court?	13
What can a sheriff be asked to do?	13
What can I do if I receive a summons or writ?	14
What are time to pay directions and time orders?	15
7. How does a creditors get their money after court action?	16
What is the Debt Advice and Information Package?	16
What is a charge for payment and a charge to pay?	17
What is a time to pay order?	17

8. What types of enforcement action can a creditor use?	18
Diligence	18
Arrestment of earning	19
Bank arrestment	20
Attachment	22
Inhibition	23
Money attachment	23
Exceptional attachment orders	23
Diligence on the dependence	24
Eviction due to rent or mortgage arrears	25
9. How can my creditors make me bankrupt?	28
10. What if my creditors is a Local Authority or HM Revenue & Customs?	28
11. What can I do if I think my creditor or a sheriff officer has behaved incorrectly?	29
12. Further information	30
13. Household Income and Expenditure	34

1. Why should I read this booklet?

Many people have problems with their debts. This booklet is designed to help you:

- find where to go for money advice;
- identify options for managing your debts;
- work out what you can do about your debts;
- understand what action your creditors (people you owe money to) can take to recover their money; and
- understand the consequences of not paying your debts.

Free help and advice is available to help you deal with your debt. A money advisor can talk through your debt problems and work with you to try to improve your situation.

This booklet directs you to possible solutions for your debt problems and gives you contact details of organisations that can help.

You can also consult a solicitor. The solicitor may charge a fee but, depending on your circumstances, you may be able to get legal aid. The solicitor may also give you an initial interview free of charge.

Don't ignore your debts

With help and advice, you may be able to improve things.

2. How can a money advisor help me?

There are many ways to deal with debt and it is important to get advice as soon as possible.

You can get free and confidential advice from a trained money advisor. For example, through Local Authority money advice units or the Citizens Advice Bureaux.

Many creditors are aware of the Money Advice Liaison Group's Mental Health Guidelines. Anyone with mental health issues who owes money should speak to a money advisor.

A money advisor can help you decide how to deal with your debts, how to maximise your income, and how to deal with emergencies, for example, if your bank account is frozen, your wages are arrested or your gas/electricity is cut off.

You may be able to make some payments to your creditors. A money advisor can help you decide how best to do this.

Your creditors may take you to court to try to get their money back.

Money advisors may be able to help with court representation.

There are tables on pages 34 - 37 that you can complete and take with you to the money advice office. These tables will provide our money advisor with an accurate picture of your financial affairs in order to help you.

3. Who can give me help and advice?

You can get free, confidential, and impartial advice from:

Money Advice Scotland

Telephone 0141 572 0237

E-mail: info@moneyadvicescotland.org.uk

Website: www.moneyadvicescotland.org.uk

Citizens Advice Scotland

Telephone: 0808 800 9060

Website: www.adviceguide.org.uk/Scotland

National Debt line

Telephone: 0808 808 4000

Website: www.nationaldebtline.org/S/Pages/default.aspx

StepChange Debt Charity

Telephone: 0808 138 1111

Website: www.stepchange.org

Trading Standards Scotland

Website: www.scotss.org.uk

Local addresses and telephone numbers for Citizen Advice Bureaux and Trading Standards can be found in your phone book. You can access the websites above for information on how to find a money advisor or debt counsellor in your area.

Pages 30 - 32 contain additional useful contact details

4. What can I do about my debts?

There are a number of things that you can do. A money advisor can help you decide what is best for you.

The following are some of the choices you may have in order to deal with debt:

Debt Management Plans

A debt management plan is an informal arrangement with your creditors to pay your debts over an extended period of time. Interest and fees will still accrue on your debts (unless your creditors agree to freeze interest) and they will not be written off – although if you complete the plan you should be able to pay your debts in full. You will keep control of the things you own (your assets) including your house as long as formal action is not taken against you.

You can arrange a plan directly with your creditors. You can also set it up with the help of a money advisor.

A debt management programme is not legally binding on your creditors and they can still take action to pursue the money you owe them.

Debt Arrangement Scheme (DAS)

DAS is a debt management scheme introduced by the Scottish Government that gives you more time to pay your creditor(s) without the threat of legal action. To be eligible to participate in DAS, you must have surplus disposable income from which payments can be made to your creditors.

Under DAS you can apply for a Debt Payment Programme (DPP) which allows you to pay off your debt(s) over a period of time.

DAS freezes interest, fees and charges on your debt (except continuing liabilities, such as; future mortgage payments, utilities, rent) from the date your DPP is approved, and these will be written off if you complete the programme. The scheme protects your assets, including your home (as long as you keep up your mortgage payments and your ongoing liabilities).

DAS is provided free of charge by money advisors at local authority advice units and Citizens Advice Bureaux. However, some other money advisers may charge a fee for their services and you should check with them before entering into any agreement.

Information on an approved advisor in your local area can be found on the DAS website at www.dasscotland.gov.uk

e-mail: das@aib.gsi.gov.uk (for general enquires on DAS).

Trust Deeds

A trust deed is a formal arrangement between you and an insolvency practitioner who becomes your trustee. Your trustee is there for the benefit of your creditors and they will use contributions from your income or money from the sale of your assets to repay some of what you owe.

To enter into a trust deed, you must be able to make regular payments to your trustee from your income or have assets. The trust deed transfers your rights to your assets (this includes your home, whether you own it wholly or jointly) to your trustee who may sell your share of the asset to pay the cost of managing your trust deed and to pay off what is owed to your creditors.

Trust deeds normally last for 48 months, but this can vary. Interest will still accrue on your debts during the trust deed, but most of the debts outstanding at the end of the trust deed will be written off if you have cooperated with your trustee. The cost of administering the trust deed will be met from the money the trustee ingathers. These costs will be met before any payment is made to your creditors.

A trust deed can become protected which means that your creditors cannot take court action against you for the debts that you owed when the trust deed was agreed. If your creditors do not agree, they may prevent your trust deed from becoming protected. If your trust deed is not protected your creditors can still apply to make you bankrupt.

If your creditors agree, your trust deed becomes protected your trustee may make you bankrupt if you do not co-operate with them.

Signing a trust deed has consequences for you.

You could lose your family home.

It will affect your credit rating, and you could find it difficult to get credit in the future.

Bankruptcy

In Scotland, bankruptcy is sometimes called sequestration.

Being made bankrupt is a very serious matter. It can lead to loss of your home and can have other consequences.

It may impact your job and your bank account could be frozen. Your credit rating will be affected and you could also find that access to future credit is not available or is only available at a very high rate of interest.

When you are declared bankrupt control of the things you own (assets) including your home, regardless **if owned wholly or jointly**, is given to your trustee who will administer your bankruptcy.

Subject to certain conditions, a creditor can apply to the court to make you bankrupt or you can apply to the Accountant in Bankruptcy to make yourself bankrupt. Bankruptcy starts when you are declared bankrupt by the sheriff or by the Accountant in Bankruptcy. A trustee will be appointed to administer your bankruptcy.

You will normally be discharged from bankruptcy through the process of law after one year or 6 months if you are awarded through the Minimal Asset Process (MAP). Your trustee still has a duty to sell any assets transferred to them. If you do not co-operate with your trustee they can defer your discharge indefinitely.

It is the duty of your trustee to sell your assets or property and to use the money to pay the costs of managing your bankruptcy and to pay your creditors as much as possible of what you owe them. You will be able to keep some things that are essential for everyday living such as beds, your cooker, your television etc. You may also be required to make regular payments from your income to your trustee.

While you are bankrupt most of your creditors cannot take further action to pursue the money you owed them at the start of the bankruptcy. However, if you have a mortgage or other loan secured against your home the lender can take action against you if you stop your payments to them.

Interest will still accrue on your debts during your bankruptcy but most outstanding debts will be written off at the end.

You will still be responsible for any new debt you incur after the date you became bankrupt.

A money advisor can help you decide whether making yourself bankrupt is the right thing for you to do.

More information about bankruptcy can be found in the Debtors Guide available from the Accountant in Bankruptcy. Contact details can be found on page 30.

What are my choices?

	Debt Management Plan (DMP)	Debt Arrangement Scheme (DAS)	Trust Deed	Bankruptcy
Cost	Usually no cost	Usually no cost.	Fees apply, sometimes paid up front	£200 application fee or £90 for MAP. Other fees may apply.
What happens to the interest on my debts	Still accrues	Frozen as long as you complete your DAS payment programme	Frozen as long as you complete your trust deed	Interest still accrues but is included as a debt in the bankruptcy
What happens to my home if I own it?	Nothing, as long as you keep up your mortgage payments. However, creditors may still place an inhibition on your property, meaning you cannot sell or re-mortgage without their consent.	Nothing, as long as you keep up your mortgage payments.	Your trustee may sell it, However, a formal agreement to exclude your property from the trust deed may be arranged.	Your trustee may sell it or request you or an interested person to buy out the trustees interest in any equity.
What is the effect on my debts?	Your debts are not written off. They are usually paid in full.	Your debts are not written off. They are usually paid in full	Most debts will be written off at the end of the trust deed	Most debts will be written off at the end of the bankruptcy.
Can my creditor	Yes. DMP's are not formal, therefore	You are protected against creditor action for debts in	Not if your trust deed is protected as	No

take action?	creditors do not have to agree or stick to them.	a debt payment programme unless the programme is revoked.	long as you stick to the terms of your trust deed	
Will my employment be affected?	No	No	No	Certain professions may be affected, for example, Solicitors, Accountants, and government officials. This is not a full list.

Your credit rating will be affected with all of the above options.

5. What legal steps can creditors take against me?

If you do not pay the money you owe to your creditors they can take legal action through the courts to enforce the payment of debts. This includes making you bankrupt.

A creditor will usually issue you with a final notice before taking legal action. This tells you in writing that you have failed to pay what you owe and gives you a last opportunity to do so.

If you do nothing, your creditor is likely to raise a court action against you and you will have to repay the original debt with added interest and, usually, the creditors expenses as well.

There are several legal actions that a creditor can take to collect the money you owe them. The more common actions are arrestment of your earnings or bank account, or attaching items you own. Less common methods used include placing an inhibition on your property or ejection from your home.

Secured creditors such as your mortgage provider can take steps to repossess your home.

Remember: unless you tell your creditors you are having difficulties, they will not know. You should seek advice at the very earliest opportunity to help you deal with your debt problems.

6. What happens when my creditor takes me to court?

If you have not paid your debt, your creditor(s) can take you to court.

How do I know if I am being taken to court?

You will know that court action is being taken if you receive a summons or an initial writ. The summons or initial writ should tell you who is taking you to court and how much they think you owe them. It should also tell you which court the action is being taken in and what they want the sheriff to do.

A money advisor or solicitor will be able to explain the court process. Information is also available from your local sheriff court or at www.scotcourt.gov.uk

You may have to go to court.

What can a sheriff be asked to do?

Usually, the creditor will ask the sheriff to order you to pay the amount you owe. If the money that you owe is for a car or other item that you have bought on credit or hire purchase, your creditor may also ask the sheriff to order you to return the goods. If the money that you owe is for rent or mortgage payments the sheriff may be asked to order you to leave your home.

What can I do if I receive a summons or writ?

The summons or initial writ will ask you to advise the court what you intend to do by a specified date. Do not ignore this date.

You can:

- Pay the money you owe.
- Tell the court you owe the money, and ask for a time to pay direction or a time to pay order (You may also be able to ask for a time order under the Consumer Credit Act 1974). You will get the application form for a time to pay direction with the summons or initial writ. If the direction or order is granted the court will issue a document called a decree detailing how much you must pay and how often.
- Tell the court you do owe the money but do not ask for time to pay. The court will issue a document called a decree which will order you to pay the debt as well as interest and court expenses.
- Tell the court you don't agree you owe the money. A hearing date will then be set for the court to listen to you and your creditor before making a decision.
- Do nothing. The court will presume you do owe the money and will issue a decree which will order you to pay the debt as well as interest and court expenses.

It is important to get help and advice if you are not sure what to do. A money adviser or solicitor (who may charge you) can help you decide the best way forward. It is still not too late to speak to your creditor, but don't delay.

If you apply for a time to pay direction or under the Debtor's (Scotland) Act 1987, you cannot apply for a time order under the Consumer Credit Act 1974 for the same debt.

What are time to pay directions and time orders?

Time to pay directions under the Debtors (Scotland) Act 1987 and time orders under the Consumer Credit Act 1974 are formal ways of paying your debt over a longer period of time. You can make an application to the court for a time to pay direction when you receive a summons or an initial writ (as long as you do not owe more than £25,000). The sheriff will not agree to either of these options if a decree has been issued.

Even If a decree has already been issued, it may not be too late to take action. You may be able to apply to the sheriff for a time to pay order under the Debtors (Scotland) Act 1987, which is similar to a time to pay direction. This is described in a later section.

You can get more information about the Consumer credit Act 1974 from a money advisor or from the Office of Fair Trading or a trading standards office.

If this happens the sheriff will listen to you and your creditor at a hearing before deciding on your application. It is up to you to find out from the court if your offer has been accepted or objected to. If the sheriff gives you time to pay, the creditor that took you to court cannot take further action to recover what you owe unless you stop paying. However your other creditors can still take action against you.

7. How does a creditor get their money after court action?

If you have not been granted time to pay, and the court has issued a decree, your creditor can take action against you. The action will depend on a number of things including, how much money you owe, what kind of debt it is and your personal circumstances.

In Scotland, the enforcement of debt following court action is called 'diligence'. There are a number of diligences including earnings arrestment, bank arrestment and attachment. You can read more about diligence on page 18. Your creditor can also take steps to make you bankrupt.

Before your creditor takes any action they will normally ask a sheriff officer to serve you with a charge for payment, or charge to pay, and a Debt Advice and Information Package.

What is the Debt Advice and Information Package?

There are a number of occasions when a creditor is required by law to give you a booklet called the Debt Advice and Information Package (DAIP). It is your creditor's responsibility to provide it and they will normally ask a sheriff officer to give you the booklet when serving you with the charge for payment or the charge to pay.

Creditors are required to provide the leaflet if they are taking steps to recover the money you owe them through diligence, or if they intend to make you bankrupt.

What is a charge for payment and a charge to pay?

A charge for payment and a charge to pay are formal documents warning you that unless you pay your debt, or apply for a time to pay order within 14 days, your creditor is entitled to enforce payment. These documents are normally delivered to you by a sheriff officer.

Most debt enforcement actions require a charge for payment or a charge to pay.

What is a time to pay order?

You can apply for a time to pay order under the provisions of the Debtors (Scotland) Act 1987 after you have received a charge for payment, a charge to pay or an arrestment has taken place. You apply to the court and must not owe the creditor more than £25,000. The order gives you time to pay what you owe to the creditor over a period of time. A time to pay order is similar to time to pay directions and time orders but is only relevant once a charge has been issued.

Once a time to pay order has been granted, as long as you keep to the agreed payments that creditor cannot take further action against you, but other creditors may be able to.

8. What types of enforcement action can a creditor use?

Following the decree from the court your creditor can take a number of enforcement actions. They may be able to take more than one action at the same time.

Diligence

Debt enforcement in Scotland is known as diligence. There are several types of diligence that can be used by creditors to recover debt. The creditor will choose which diligence to use depending on your circumstances. The most common types of diligence used are arrestment of earnings and arrestment of funds in a bank account.

Even if diligence has been instructed by your creditor, it isn't too late to take action. If you pay what you owe to your creditor, including the creditors interest and enforcement expenses, the diligence can be stopped.

Time to pay orders, Debt Payment Programme's under the Debt Arrangement Scheme, Trust Deeds and Bankruptcy can in certain instances be 'diligence stoppers'.

You should seek advice before considering any of these options.

Arrestment of earnings

If you are working, your employer may receive an arrestment schedule from your creditor instructing them to make regular deductions from your wages to repay the debt owed. Your creditor must have provided you with a Debt Advice and Information Package and have served a charge for payment or a charge to pay before they issue the arrestment schedule.

The deductions are taken off your wages every pay day in the same way that tax is deducted and will continue until all the debt is paid.

Your employer will give you a copy of the earnings arrestment schedule. They will also tell you when the first deduction will be made and how much it will be.

Your employer will send the money to your creditor and may charge you a small administration fee every time a deduction is made from your wages or salary.

It is possible for more than one creditor to arrest your wages at the same time. There is a maximum amount, based on your earnings level, which can be deducted on each pay day. This amount will be shared amongst your creditors if you have more than one arrestment. This is known as a conjoined arrestment order.

Bank arrestment

If you have money in a bank, building society or a credit union account, your creditor can arrest the money to repay what you owe. Your creditor does not normally have to give you a charge for payment, a charge to pay or a Debt Advice and Information Package to use an arrestment, unless they are a public creditor (for example, a council or a tax office). The money that can be arrested includes wages, benefits and savings, although there is a 'protected minimum balance' that cannot be arrested. The current protected minimum balance is £494.01.

Your creditor will ask a sheriff officer to serve a schedule of arrestment on your bank. The money in your accounts at that time will be frozen and may be removed. You cannot withdraw that money or use it to make other payments such as standing orders or direct debit payments. Your creditor can only ask the bank to arrest the amount you owe, plus a set amount for interest and expenses. If you have more than this in your account, you should still have access to the funds that are not required to repay the debt.

Your creditor doesn't get the money straight away. The money will be automatically released to your creditor after 14 weeks. If you give permission to your bank, building society or credit union to release the amount that you owe, the matter can be dealt with more quickly and may save you from paying some interest.

The money will not be released automatically if an objection to the arrestment is lodged with the sheriff. Instead, a separate court action will be required for the creditor to receive the funds. If you think you have grounds for objection, you must take action within 4 weeks of the schedule of arrestment being served on your bank.

You may only object to the arrestment if specific circumstances set out in law apply to your case. You should seek advice before making any applications to the court.

Bank arrestment is not the only form of arrestment. Creditors can arrest items in the hands of a third party, for example, things you own that are held in storage or within a warehouse. They can also arrest other things such as your rights under life assurance policies or, if you are a landlord, arrest rent due to be paid to you by your tenants. Only attached funds can be released automatically. For everything else arrested, a separate court action is required by your creditor for the arrested property to pass to them.

If you feel that the arrestment is unduly harsh you may make an application to the sheriff, setting out your case. You can make this application at any time before funds or goods are released to your creditor. The sheriff will consider all of the facts of the case before making a decision. If the sheriff agrees that the arrestment is unduly harsh, an order will be made to release some or all of your funds or property back to you.

Attachment

Your creditor may instruct a sheriff officer to 'attach' items you own which are kept outside your home, for example, in your garage or driveway or in buildings used for business. Certain items are excluded from attachment, such as tools for your trade and mobile homes which are your main residence. Cars valued at under £3,000 are excluded from attachment if reasonably required. Once attached, you cannot sell or dispose of these items and they will be sold to pay your debts.

**Items kept in your home cannot be attached unless the sheriff officer has an “exceptional attachment order”
You can find more information on these orders on page 23.**

Your creditor must have sent you a charge for payment, or a charge to pay, and the Debt Advice and Information Package before they take steps to attach items you own.

The sheriff officer carrying out the attachment has the power to open locked places where goods are kept and must arrange for a professional valuation if considered appropriate. Once the items are valued the sheriff officer will send a report of the attachment to the court. The items will then be removed by the sheriff officer to be auctioned and the money from the sale will be sent to your creditor.

You may be able to make an arrangement to pay the sheriff officer what is owed, to prevent the items being removed and sold.

Inhibition

A creditor may ask the court for an inhibition against any houses or land you own, even if you own them jointly with someone else. This will stop you from selling or transferring ownership of the property or taking out any further loans against it. Inhibition does not allow your creditor to take possession of, or to sell, your property.

Your creditor will discharge or lift the inhibition if you pay them what is owed. The inhibition will lapse after 5 years unless your creditor renews it.

Money Attachment

Money attachment allows a creditor to seize money, including cash, foreign currency, postal orders and cheques held on a debtor's premises. Money kept in a home cannot be attached.

Your creditor must have sent you a charge for payment, or a charge to pay, and the Debt Advice and Information Package before they take steps to attach money. If you run a business you will only receive a charge for payment or a charge to pay.

The sheriff officer carrying out the money attachment will remove money from your business premises and must make a detailed report to the sheriff within 14 days of the removal. You will be given a copy of this report.

If you think that the attachment is unduly harsh or that the sheriff officer has not carried out the attachment correctly, or if someone else owns the money, an application may be made to the sheriff to have the money returned. The sheriff can only return a maximum of £1,000 if the attachment is considered unduly harsh.

Your creditor will apply to the sheriff for a payment order that authorises them to receive the money. The payment order allows the sheriff officer to cash any cheques and to pass the money to your creditor. Any surplus funds will be returned to you.

Exceptional attachment orders

In exceptional circumstances your creditor can apply to the court for an exceptional attachment order which allows the attachment of goods inside a home.

A hearing will be held and you can be represented, or can represent yourself, at court.

The sheriff will only grant an exceptional attachment order if they are satisfied that the creditor has tried other methods to recover what they are owed.

If granted, a sheriff officer will come into your home, value your possessions, and attach items apart from items you need for your day to day living, such as, clothes, furniture, televisions and children's toys.

The sheriff officer will normally remove any attached item from your home immediately. These items will be auctioned and money sent to your creditor.

Diligence on the dependence

If your creditor is concerned that you might dispose of, damage or destroy anything you own before a decree has been issued, they can ask the court for diligence “on the dependence”. This means that they are asking the court for permission to secure your goods, money, land or property, before the outcome of their legal action against you is decided.

There are three types of diligence that can be used - arrestment, inhibition and attachment (which is known as interim attachment).

Arrestment on the dependence can prevent you accessing funds in your bank, building society or credit union accounts.

It can also prevent you dealing with other items you own, for example, goods in a warehouse, and things like life assurance policies.

Inhibition on the dependence will prevent you from selling or transferring ownership of your property or taking out any further

loans against it. If you own more than one property, the sheriff might restrict the inhibition to specific properties.

Interim attachment prevents you from selling the items attached but allows you to continue to use them. The goods will be valued but not normally removed and no action can be taken to sell them until a decree is granted.

Eviction due to rent or mortgage arrears

If you have fallen behind with your rent or mortgage payments, or payments for a loan which is 'secured' on your home, your landlord or your lender can take action against you. They can take action even if you are bankrupt.

There are laws protecting tenants and homeowners. You should seek urgent advice from a money advisor, a housing aid centre or a solicitor, if you think your creditor is taking action to evict you or repossess your home.

Your landlord or lender can ask the court for an order for you and your family to be removed from your property and or for your property to be repossessed. If the court agrees they will set a date by which you must leave the property. If you do not leave by that date, sheriff officers will come to your property to remove you.

Before you are removed, you must be served with a charge for removing. This will tell you that you have a set period, normally 14 days, to leave the property before you are removed by sheriff officers. Even if you have received this notice, it may not be too late to come to an agreement with your landlord or lender.

If you are removed, the sheriff officer will change the locks to prevent you from accessing your home. They will not, however, remove your possessions from the property and you must contact your landlord or lender to arrange to collect your possessions. If

you do not make arrangements your possessions will be disposed of.

9. How can my creditors make me bankrupt?

Your creditors can petition to make you bankrupt.

They can do this if:

- you owe them at least £3,000 including any fees charges and interest added to the original debt; and
- they have sent you a copy of the Debt Advice and Information Package; and
- you are Apparently Insolvent. This means that you have not paid the debt after you have been served with either a charge for payment, a charge to pay (see page 17) or a statutory demand (a statutory demand is a formal document issued by a creditor to demand payment of debt within 21 days).

After the petitioning has been lodged with the court you will be sent a document called a warrant to cite which will tell you who is petitioning for your bankruptcy and the date on which a hearing to consider the petition will be held.

If you pay your creditors before the hearing date the petition will normally be dismissed.

Courts will not take payment at the hearing – you must pay before this date.

If you do not pay, you can attend court and can be represented to say why the bankruptcy should not be awarded or to ask for time to settle the debt. The court can postpone the decision for a maximum of 6 weeks to allow you to pay or for longer if you intend to repay under the Debt Arrangement Scheme.

If you do nothing, the court will award the bankruptcy. A trustee will be appointed to administer your bankruptcy.

Your trustee can sell your assets, including your home, and use the money to pay the costs of managing your bankruptcy and to pay your creditors as much as possible of what you owe them.

More detailed information is available from the accountant in bankruptcy who issues A range of publications. Contact details are on page 30 of this booklet.

10. What if my creditor is a local authority or HM Revenue & Customs?

This type of public creditor use a different route to pursue the money you owe them.

Before taking any action they will serve you with a final notice. If you do nothing after receiving the final notice they can apply to the court for a summary warrant.

A summary warrant is similar to a decree but there is no court hearing and you cannot apply for a time to pay direction. A 10% surcharge is automatically added to the amount you owe when a summary warrant is granted.

Once a summary has been issued, most public creditors will still allow you to negotiate to pay what you owe. If you do not pay you may be served with a charge for payment or a charge to pay (see page 17). Debt enforcement actions can be taken against you or a petition may be presented to make you bankrupt (see page 18).

If you are served with a charge to pay or a charge for payment to pay a local authority debt you can apply to the court for a time to pay order.

Time to pay directions or orders are not available for debt due to HM Revenue and Customs.

11. What can I do if I think my creditor or a sheriff officer has behaved incorrectly?

Your creditors and sheriff officers acting on the creditor's instructions must act within the law when trying to recover the money you owe.

There are laws governing situations where actions have been carried out without proper authority or where properly authorised action has been carried out in the wrong way.

If you believe that a sheriff officer has behaved wrongfully you can submit a complaint to the Society of Messengers-at-Arms and Sheriff Officers. Complaints can be lodged with the Society but a complainer has the alternative option of lodging a complaint directly with the Sheriff Principal of the sheriffdom within which the Sheriff Officer is acting.

A money advisor or solicitor may be able to help you if you wish to complain.

You can also speak to a Trading Standards Department or the Office of Fair Trading.

Many creditors are aware of the Money Advice Liaison Group Mental Health Guidelines. Anyone with mental health issues who owes money should speak to a money adviser.

12. Further Information

Contact details for Accountant in Bankruptcy:

Accountant in Bankruptcy
1 Pennyburn Road
Kilwinning
Ayrshire
KA13 6SA

Telephone: 0300 200 2600
Fax: 0300 200 2601
E-Mail: aib@aib.gsi.gov.uk
(for general help about the bankruptcy process)
Website www.aib.gov.uk

Publications available from the Accountant in Bankruptcy include:

Bankruptcy – Debtor’s Guide
Bankruptcy – Creditor’s Guide
Trust Deed Guide
Bankruptcy Restrictions Guide
The Debt Arrangement Scheme (DAS) Debtor Information booklet
The Debt Arrangement Scheme (DAS) Creditor Information booklet
Debt Advice and Information Package

Sources of Advice and Information

Some useful contacts for free advice on debt:

Money Advice Scotland

Telephone 0141 572 0237
E-mail: info@moneyadvicescotland.org.uk
Website: www.moneyadvicescotland.org.uk

Citizens Advice Scotland

Telephone: 0808 800 9060

Website: www.cas.org.uk

National Debt line

Telephone: 0808 808 4000

Website: www.nationaldebtline.org/EW/Pages/default.aspx

StepChange Debt Charity

Telephone: 0800 138 1111

Website www.stepchange.org

Shelter Scotland

Scotiabank House
6 South Charlotte Street
Edinburgh
EH2 4AW

Telephone: 0808 800 4444

Website: www.shelter.org.uk

Email: info@shelter.org.uk

Trading Standards Scotland

Website: www.scotss.org.uk

Local addresses and telephone numbers for Citizen Advice Bureaux and Trading Standards can be found in your phone book. You can access the websites above for information on how to find a money advisor or debt counsellor in your area.

For help finding an insolvency practitioner contact:

Institute of Chartered Accountants of Scotland

CA House
21 Haymarket Yards
Edinburgh
EH12 5BH

Telephone: 0131 347 0100
Website: www.icas.org.uk

Insolvency Practitioners Association

Valiant House
4-10 Heneage Lane
London
EC3A 5DQ

Telephone: 020 7623 5108
Website: www.insolvency-practitioners.org.uk

Other useful contacts

Law Society of Scotland

26 Drumsheugh Gardens
Edinburgh
EH3 7YR

Telephone: 0131 226 7411
Website: www.lawscot.org.uk
email: lawscot@lawscot.org.uk

Financial Conduct Authority

25 The North Colonnade
Canary Wharf
London
E14 5HS

Telephone: 0800 111 6768
Website: <http://www.fca.org.uk>
Email: consumer.queries@fca.org.uk

The Society of Messenger-at-Arms and Sheriff Officers

8 – 12 Torphichen Street
Edinburgh
EH3 8JQ

Telephone: 0131 228 2866
Fax: 0131 220 3468
Email: admin@smaso.ednet.co.uk
Website: www.smaso.org

The Accountant in Bankruptcy:

The Accountant in Bankruptcy
1 Pennyburn Road
Kilwinning
Ayrshire
KA13 6SA

Telephone: 0300 200 2600
Fax: 0300 200 2601
Website: www.aib.gov.uk

13. Household Income and Expenditure

You can use the following pages to record your income and expenditure and your debts. This will be useful when you speak to a money advisor.

Total number of people in household

Number of dependent children in household

Salary and wages

Income	Amount (£)	Frequency
Debtor's salary/wages		
Partner's salary/wages		
Total		

Pensions

Pension(s)	Amount (£)	Frequency
State Pension(s)		
Private or work pension(s)		
Pension Credit		
Total		

Other income

Other income	Amount (£)	Frequency
Maintenance or child support		
Boarders or lodgers		
Non-dependant contribution		
Student loans or grants		
(To be completed with any other household income)		
(To be completed with any other household income)		
Total		

Benefits

Type of benefit	Amount (£)	Frequency
Jobseeker's Allowance		
Income Support		
Working Tax Credits		
Child Tax Credits		
Child Benefit		
Employment and Support Allowance		
DLA, PIP or Attendance Allowance		
Carer's Allowance		
Housing Benefit/Local Housing Allowance		
Council Tax Reduction		
Universal Credit		
(Other)		

Total

Essential expenditure	Amount	Frequency
Rent		
Ground rent, service charges, factor fees		
Mortgages		
Other Secured Loans		
Building and Content Insurance		
Pension and Life insurance		
Council Tax		
Gas		
Electricity		
TV Licence		
Magistrates or Sheriff Court Fines		
Maintenance or Child Support		
Hire Purchase/Conditional Sales		
Childcare Costs		
Adult Care Costs		

Total

Phone	Amount	Frequency
Home Phone		
Mobile Phone(s)		

Total

Travel	Amount	Frequency
Public Transport (work, school, shopping, etc)		
Car Insurance		
Vehicle Tax		
Fuel (Petrol, Diesel, Oil, etc)		
MOT and car maintenance		
Breakdown and Recovery		
Parking Charges or Tolls		

Total

Housekeeping	Amount	Frequency
Food and Milk		
Cleaning and Toiletries		
Newspapers and Magazines		
Cigarettes Tobacco and Sweets		
Alcohol		
Laundry and dry cleaning		
Clothing and Footwear		
Nappies and baby items		
Pet Food		

Total

Other expenditure	Amount	Frequency
Health (dentist, glasses, prescriptions, health insurance)		
Repairs/house maintenance (including window cleaning, maintenance contracts)		
Hairdressing/haircuts		
Cable, Satellite and Internet		
TV, video and other appliance rental		
School meals and meals at work		
Pocket money and school trips		
Lottery and Pools etc.		
Hobbies/leisure/sport (include pub outings, etc.)		
Gifts (Christmas Birthday, Charity etc.)		
Vet Bills and Pet Insurance		

Total

All other expenses not covered above	Amount	Frequency

Total

Total Income
Total Expenditure

Surplus Income
Assessed Contribution

Your Debts

Type of Debt	Who you owe money to	Amount you owe

Using your personal information

Personal information that you supply to the Accountant in Bankruptcy (AiB) may be used in a number of different ways to enable AiB to act in accordance with the Bankruptcy (Scotland) Act 2016 and other relevant legislation. For example:

- to determine bankruptcy applications and Debt Arrangement Scheme (DAS), Debt Payment Programmes (DPPs);
- for the collection of fees and contributions;
- to identify and sell assets;
- to supervise the administration of bankruptcies, Protected Trust Deeds and DPPs, and
- for statistical analysis purposes.

In order to complete these statutory duties and tasks, we do need to collect and, process personal information about you and sometimes about third parties. In certain circumstances, we may share personal information with others, for example: our agents; banks; credit reference agencies; creditors and local authorities.

If you are made bankrupt, sign a Trust Deed, apply for a DAS, DPP or register a moratorium, your details must be recorded in a public register, which is available for anyone to access, free of charge. If you are made subject to Bankruptcy Restriction Order (BRO), details of your BRO will also be recorded on the AiB website.

We, or an agent acting on our behalf, may contact you to discuss your experience of using our services, as part of our on-going commitment to improve customer service. If you do not wish us to contact you for this purpose, please let us know.

Our full Privacy statement, that details how we process personal information and your right to request to see, amend or delete, information that we hold about you, is published on our website: www.aib.gsi.gov.uk. If you wish a copy of our Privacy Statement, you can write to us, email us at: aib@aib.gsi.gov.uk, or phone us on 0300 200 2600 and ask to speak with our Data Protection Officer.

This publication is available on request in community language versions and alternative formats. Please contact **0300 200 2600** for this to be arranged.

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یہ اشاعت درخواست کرنے پر معاشرتی زبان کے نسخوں اور متبادل شکلوں میں دستیاب ہے۔ برائے مہربانی اس کے انتظام کے لئے **0300 200 2600** پر رابطہ کریں۔

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الرجاء الاتصال بالرقم الهاتفي **0300 200 2600** لترتيب هذا.

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Tha am foillseachadh seo ri fhaotainn air iartras ann an cànanan coimhearsnachd agus ann an cruthan eile.
Cuiribh fios gu **0300 200 2600** airson seo a chur air dòigh.

Aby otrzymać niniejszy dokument w innej wersji językowej, na kasecie lub w wersji z powiększonym drukiem, prosimy o kontakt: **0300 200 2600**

**This booklet is for general guidance only.
It is not a detailed or full statement of the law.**



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