

Citizens Advice Scotland

Scottish Association of Citizens Advice Bureaux



Bankruptcy Law Reform

CAS response to the AiB/Scottish Government Consultation

By Keith Dryburgh, Social Policy Officer

Citizens Advice Scotland and its CAB offices form Scotland's largest independent advice network. CAB advice services are delivered through service points throughout Scotland, from the islands to city centres.

The CAB service aims:

to ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities, or of the services available to them, or through an inability to express their need effectively

and equally

to exercise a responsible influence on the development of social policies and services, both locally and nationally.

The CAB service is independent and provides free, confidential and impartial advice to everybody regardless of race, sex, disability or sexuality.

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Summary of response

The Citizens Advice Service is a key component of the debt advice landscape in Scotland, providing access to debt solutions for thousands of clients every year. Bureau advisers provide the frontline advice that enables the debt relief system to work for debtors and creditors alike. Any changes to bankruptcy law and the debt relief model will inevitably have a significant impact on the way in which advisers provide advice and on outcomes for clients.

The changes proposed in the consultation document are considerable. Some are welcomed by debt advisers, but other changes have prompted concerns from advisers regarding their own role in the process and the outcomes for clients. Given the key role of debt advisers in the whole process, we feel that it is essential that adviser concerns are heard and addressed in the proposed changes.

Key points in our response:

- **Advice:** we are broadly supportive of mandatory advice for all those considering debt relief, although we are concerned that this will place additional pressure on advice services that are already operating at capacity. Mandatory advice must be matched with adequate support and resources for those providing the advice.
- **AiB advice role:** we have concerns regarding the AiB taking on an advice giving function. If this were to go ahead, the advice must be provided on an independent and impartial basis on behalf of the AiB.
- **Financial education:** we agree that there is a role for financial education for those who are struggling with debt, but we have concerns about making discharge conditional to this. The Citizens Advice service currently operates a similar model through the Money Advice Service, where clients who are receiving advice on debt relief can be referred to a money adviser. This ensures that clients receive personalised advice on both their debt options and on their day-to-day finances. This model works well for our clients.
- **Common Financial Tool:** we are broadly supportive of the principle of a Common Financial Tool for Scotland and that this should underpin the new system of debt relief. However, we are concerned that the proposals for this tool are inflexible and could result in debtors making unsustainable contributions. It is imperative that the proposed Common Financial Tool strikes the right balance between debtors and creditors, as a tool that favours unrealistically high contributions would lead to missed payments and debtors falling out of debt solutions. This outcome would cause the whole new model for debt relief to fail.
- **A new model for debt relief:** advisers have concerns that the prescriptive nature of the new model may act as a disincentive for some clients who would prefer to make a positive choice about their debt relief. They also have concerns about the limited role of advice within the new model, where advisers may be constrained in the advice that they can give to a client.

- **DAS:** advisers are generally positive about the role of DAS within the debt relief model and help hundreds of clients to access this debt solution each year. However, there is some concern that making it mandatory for those who can repay their debts within eight years may deter some individuals from seeking debt relief. Advisers were also concerned that the proposed fee for DAS may act as a barrier to accessing debt relief.
- **Protected Trust Deeds:** we agree that fees and charges are too high and that creditors are not receiving enough of a dividend as a result. We broadly support the idea of a minimum dividend, although we are concerned that fees are not addressed in this proposal. The changes to Protected Trust Deeds are likely to reduce the number of bureau debt clients that are assessed as being eligible with many now having DAS as the statutory option.
- **Payment product bankruptcy:** we support the proposal of a fixed-fee, fixed-term contributory bankruptcy to be provided by Insolvency Practitioners or the AiB. This will provide clarity for the individual and a regular dividend for creditors.
- **Bankruptcy:** we broadly support the introduction of a 'No Income' bankruptcy separate from the 'Low Income' bankruptcy, although we argue that there should not be a fee for accessing this form of bankruptcy. Given the very low income of individuals who would be eligible, we believe it would be difficult for these individuals to raise the fee and some would be deprived of debt relief as a result.
- **Powers of the AiB:** we have concerns regarding the powers of the AiB to move individuals between debt solutions as their circumstances change. This would have to be done in such a way in which individuals do not find themselves effectively financially worse off for having improved their circumstances.
- **The role of debt advisers:** advisers raised concerns that their role in providing quality advice to an individual may be diminished within a more prescriptive system due to its lack of flexibility in dealing with individual circumstances. It is imperative that debt advisers' views are taken into account in the design of the new model for debt relief and the proposed Common Financial Tool.
- **Land attachment:** the issue of land attachment is referenced in the consultation, although it does not form part of the questions. CAS would like to re-iterate our opposition to land attachment involving debtors' homes. In a survey of bureau debt clients in 2009, a third (32%) of client who were homeowners were in the difficult position of being vulnerable to land attachment, being unable to access DAS to protect their home, and having less equity than their level of unsecured debt. If land attachment was enacted in its current form, this group of homeowners could be left with little protection and still owing debt even after their house was sold.

Introduction

1. Citizens Advice Scotland (CAS) is the umbrella organisation for Scotland's network of 81 Citizens Advice Bureau (CAB) offices. These bureaux deliver frontline advice services throughout more than 250 service points across the country, from the city centres of Glasgow and Edinburgh to the Highlands, Islands and rural Borders communities.
2. We welcome the opportunity to respond to the Consultation on Bankruptcy Law Reform. Citizens advice bureaux are a key component of the debt advice landscape in Scotland, providing access to debt solutions for thousands of clients every year. Any changes to bankruptcy law and the debt relief model will have a significant impact on the advice that bureaux provide and the outcomes for clients.
3. In 2010/11, citizens advice bureaux in Scotland:
 - Dealt with over £220,000,000 worth of debt for clients, an average of £14,225 per debt case
 - Advised on 15,491 new debt cases in 2010/11 – around 42 for each day of the year
 - Achieved a client financial gain as a result of debt advice of over £66 million – an average gain for clients of almost £4,300 per new debt case. Debt clients are also likely to have benefitted from advice on benefit entitlement
 - Provided dedicated debt advice through 120 staff, amounting to 2,798 hours of work each week
4. Just over £2 million in funding was provided to Scottish bureaux specifically to provide debt advice (around 14% of total bureau funding in Scotland). Bureaux received funding of £132 per new debt case in 2010/11, but the financial gain for clients per debt case was almost £4,300.
5. Citizens advice bureaux are a key part of the debt relief model in Scotland, helping thousands of clients each year to access solutions to their debt problems. Early findings on 2011/12 show that advisers completed more than 3,500 forms/applications for clients related to debt solutions, including 1,530 DAS forms, 1,822 LILA forms and 192 Certificates for Sequestration.
6. There are a number of key advantages of debt advice being provided by citizens advice bureaux:
 - The service is truly national, covering all points of the Scottish compass and city, urban, rural and island locations
 - Bureaux are run in local communities by the local community. Clients have high levels of trust in the standard and independence of the service
 - Bureaux are often located in areas with the greatest need for advice and support. They have a great ability to support the hardest-to-reach groups in society

- The MATRICS service, run jointly by Citizens Advice Scotland and Money Advice Scotland, provides training and consultancy to ensure a skilled money advice workforce exists across Scotland that gives quality advice.
 - Bureaux deal with the client's whole situation; not just their debts. Clients often present with multiple problems that are causes and effects of their debt, such as unfair dismissal, relationship breakdown, benefit problems, and homelessness issues. Bureaux are able to help with all of these issues
 - The service is able to provide feedback to policy makers and private companies on debt clients' experiences which helps to improve the way in which legislation and policies operate for all concerned.
7. Whilst bureaux provide debt advice to clients from all sections of society, many clients have a low income and are struggling as a result of their debt. Compared to the population of Scotland as a whole, bureau debt clients are more likely to be middle aged (58% are between the ages of 35 and 59), more likely to be unemployed (25% of debt clients), more likely to live in a single adult household (52% compared to 23% of Scottish households), while the majority of debt clients rent their home. Research undertaken in 2009 found that 21% of debt clients had a monthly income of less than £400 and 46% had a monthly income of less than £800.

Our response

8. We believe that debt advisers, who play such a key role in helping individuals to access much needed debt relief, should have a strong voice in the future shape and direction of debt relief and bankruptcy. CAS held a consultation day with 15 debt advisers in April to look in detail at the proposals within the consultation. This response is based on the outcomes of that consultation day as well as on the experiences of advisers and clients gathered through social policy evidence.
9. Regardless of the direction that the AiB and the Scottish Government decide to take on the proposals, we believe that debt advisers should be key stakeholders in designing and shaping the future debt relief landscape. It is imperative that those who are providing the gateway to debt relief are involved in its design.

Consultation questions

Part 6 Advice

Summary

CAS is broadly supportive of mandatory advice for all those considering debt relief, although we are concerned that this will place additional pressure on advice services that are already operating at capacity. Mandatory advice must be matched with adequate support and resources for those providing the advice. Free advice providers are already working at capacity following the recession, continued economic problems and public sector spending cuts.

We have concerns regarding the AiB taking on an advice giving function. If this were to go ahead, the advice must be provided on an independent and impartial basis on behalf of the AiB. This advice could be provided on the AiB premises but must be completely independent of the AiB's functions and not run by AiB employees. For example, in court advice projects are run independently of the courts, are located within the premises, and provide advice which assists greatly with the running of the courts.

Questions

Question 6.1 - Do you think that money advice should be compulsory for those considering any form of statutory debt relief?

Yes No

Question 6.1a - If yes, who should give this money advice?

Authorised money advisers

Question 6.2 - Should AiB have a role in the provision of money advice?

Yes No

We have concerns regarding the AiB taking on an advice giving function. If this were to go ahead, the advice must be provided on an independent and impartial basis on the behalf of the AiB. This advice could be provided on the AiB premises but must be completely independent of the AiB's functions and not run by AiB employees.

Question 6.2a – If yes, what format should that take?

Independent advice could be provided within AiB premises. We would not support online AiB advice which may not be as independent and impartial.

Online advice should be provided by trusted intermediaries.

Question 6.3 – Would you support a ‘triage’ system to signpost individuals to possible debt relief or debt management options available to them?

Yes No

If this system was in place, it must be provided on an independent and impartial basis. We would have concerns about an AiB adviser signposting an individual to an AiB administered debt relief option.

Question 6.3a – If yes, what format should this ‘triage’ system take?

N/A

Part 7 Education

Summary

We agree that there is a role for financial education for those who are struggling with debt, but we have concerns about making discharge conditional to this. The Citizens Advice service currently operates a similar model through the Money Advice Service, where clients who are receiving advice on debt relief can be referred to a money adviser. This ensures that clients receive advice on both their debt options and on their day-to-day finances. This model works well for our clients.

Questions

Question 7.1 - Should financial education be an integral part of any Scottish statutory debt relief option?

Yes No

Financial education and holistic money advice should be an integral part of debt advice in general.

Question 7.1a - If yes, who should deliver financial education?

The Citizens Advice service currently operates a similar model through the Money Advice Service, where clients who are receiving advice on debt relief can be referred to a money adviser. This ensures that clients receive advice on both their debt options and on their day-to-day finances. The Money Advice Service provides personalised advice which deals directly with the individual's circumstances, rather than general financial topics. We would welcome resources to make sure that as many individuals receive this personalised money advice as possible. Other advice agencies, such as CCCS, offer similar aftercare services

Question 7.2 - Should this financial education be mandatory for all those who access a statutory debt relief option?

Yes No

This should not be mandatory, but the money adviser should have the option of referring any individuals to the Money Advice Service if they feel that they would benefit.

Question 7.2a – If yes, what format should the financial education take?

N/A

Question 7.3 - Should financial education be optional based on specific criteria, such as where the individual has previously been bankrupt?

Yes No

Question 7.3a – If yes, what should that criteria be?

The money adviser should be able to make an assessment as to whether the individual would benefit from a referral to the Money Advice Service. While the consultation states that the AiB or the trustee should make an assessment of the individual prior to discharge, we believe that money advisers are best placed to make this assessment and make a referral.

Question 7.4 - Should participation in financial education be linked to discharge from debt?

Yes No

Financial education/money advice should be an important part of debt advice and should be available to all individuals who would benefit from it, but discharge should not be contingent on completing a financial education module. We believe it is more important that individuals receive personalised money advice on their own finances than it is for them to receive generic financial education.

Question 7.5 - How could the effectiveness of financial education be evaluated?

Based on our suggestions, this should be based on the number of individuals receiving personalised money advice or equivalent. In the long-term, the effectiveness should be judged on the number of individuals that require debt relief on a second occasion.

Part 8 Common Financial Tool

Summary

We are broadly supportive of the principle of a Common Financial Tool for Scotland and that this should underpin the new system of debt relief. However, we are concerned that the proposals for this tool are inflexible and could result in debtors making unsustainable contributions. It is imperative that the proposed Common Financial Tool strikes the right balance between debtors and creditors, as a tool that favours unrealistically high contributions would lead to missed payments and debtors falling out of debt solutions. This outcome would cause the whole new model for debt relief to fail.

Questions

Question 8.1 - Should a single common financial tool be used to calculate an appropriate contribution from individuals?

Yes No

We are broadly supportive of the principle of a Common Financial Tool for Scotland and that this should underpin the new system of debt relief. This would ensure that money advisers and creditors have a common understanding of an individual's circumstances and are more likely to come to an agreement.

Question 8.1a – If yes, should the same common financial tool be used in the determination of contributions in the Debt Arrangement Scheme, Protected Trust Deeds and Bankruptcy?

Yes – consistency and clarity for debtors, money advisers and creditors is essential.

Question 8.1b – If no, how should contributions be calculated?

N/A

Question 8.2 - Should AiB, in conjunction with key stakeholders, develop a specific Scottish Common Financial Tool to calculate the appropriate contribution from an individual?

Yes No

We are broadly supportive of the development of a specific Scottish Common Financial Tool. It is essential that money advisers' views are taken into account and acted on when developing the tool.

Question 8.2a – If no, what figures should be used to calculate the appropriate amount of contribution from an individual?

- A) CCCS guidelines
- B) BBA CFS figures
- C) Other figures, please specify _____
- D) A percentage of the individual's income

Bureau advisers use the BBA CFS figures which are widely accepted as the standard by most stakeholders. If a new common financial tool was not developed, we would continue to use the BBA CFS figures.

Question 8.2b - If a contribution is based on a percentage of an individual's income, what should that percentage be?

- A) fixed percentage – 9%
- B) fixed percentage – 12%
- C) sliding scale percentage based on the individual's income
- D) other percentage, please specify _____

We do not support the proposals outlined in the consultation document. The fixed percentage proposal is simplistic and inflexible, and would fail to take into account factors that cause higher living costs for individuals. Nor would it even take into account whether a client had sufficient income to pay it. This model could lead to individuals making unsustainably high payments, individuals being assessed as eligible for unsuitable debt relief options, and a high number of debt relief failures. It could also lead to individuals going without essentials in order to make contributions.

The sliding scale percentage model appears preferable although advisers were concerned that this model is still too inflexible. No account is taken in the model of important individual circumstances. For example, advisers raised concerns about clients who had a higher than average travel costs due to living in a rural area. This, and other important circumstances, would not be taken account of in either model. Advisers stressed the importance of flexibility in any model in order that the adviser can judge whether there are any key individual circumstances that need to be taken into account when making the assessment. Advisers are concerned that taking away elements of discretion in a common financial tool will reduce the quality of the advice that they can provide.

We have concerns about the 'more stringent view' of appropriate household expenditure that is talked about in the consultation and the view that the Common Financial Statement is relatively generous. We do not share the view that the CFS is overly generous and have concerns about a more stringent tool that may put pressure on individuals. It is imperative that the proposed Common Financial Tool strikes the right balance between debtors and creditors, as a tool that favours unrealistically high contributions would lead to missed payments and debtors falling out of debt solutions. This outcome would cause the whole new model for debt relief to fail.

Question 8.3 - Should legislation be amended to allow an assessed contribution to be deducted directly from an individual's wages?

Yes No

Part 9 Application Process

Questions

Question 9.1 – If money advice should be sought prior to entering any statutory debt relief or debt management product, should applications only be made to AIB through an electronic web portal?

Yes No

Question 9.1a If yes, should an electronic application web portal be accessed only by authorised money advisers?

Yes No

Question 9.2 -Should applicants be able to submit paper application forms?

Yes No

Question 9.2a – If yes, should the applicant demonstrate that they had money advice prior to submitting their application?

Yes No

Question 9.3 - Where money advice is provided by authorised money advisers, should evidence of apparent insolvency still be required?

Yes No

Question 9.4 - Where money advice is provided should the authorised money adviser still certify that the individual cannot pay their debts as they become due?

Yes No

Question 9.5 – Should a moratorium period be introduced for bankruptcy?

Yes No

The moratorium works well in the Debt Arrangement Scheme and should be available for all debt relief options

Question 9.5a – If yes, what should the proposed moratorium period be?

- A) 4 weeks
- B) 6 weeks
- C) 8 weeks
- D) other period, please specify_____.

The moratorium period should be aligned with the 6 week period in the Debt Arrangement Scheme

Question 9.6 – Should the individual only be able to access one moratorium period in a 12 month period?

Yes No

This keeps the rules in line with DAS and ensures clarity and consistency for advisers

Question 9.6a – If no, how many moratorium periods should the individual be allowed?

- A) 2
- B) 3
- C) 4
- D) other, please specify_____.

N/A

Question 9.7 – Where an individual intends to apply for bankruptcy, should information about the individual be displayed in a public register during the moratorium period?

Yes No

Question 9.7a – If yes, should access to the information on the register be restricted to those parties that have an interest?

Yes No

Part 10 Solutions for Individuals

Summary

Advisers have concerns that the prescriptive nature of the new model may act as a disincentive for some clients who would prefer to make a positive choice about their debt relief. They also have concerns about the role of the adviser within the new model. Whilst prescription may stop bad advice being given, it may also inhibit good advice.

Advisers are generally positive about the role of DAS within the debt model and help hundreds of clients to access this debt solution each year. However, there is some concern that making it mandatory for those who can repay their debts within eight years may deter some individuals from seeking debt relief. Advisers were also concerned that the proposed fee for DAS may act as a barrier to accessing debt relief.

We agree that fees and charges in Protected Trust Deeds are too high and that creditors are not receiving enough of a dividend as a result. We broadly support the idea of a minimum dividend, although we are concerned that fees are not addressed in this proposal. The changes to Protected Trust Deeds are likely to reduce the number of bureau debt clients that are assessed as being eligible with many now having DAS as the statutory option.

We support the proposal of a fixed-fee, fixed-term contributory bankruptcy to be provided by Insolvency Practitioners or the AiB. This will provide clarity for the individual and a regular dividend for creditors.

We broadly support the introduction of a 'No Income' bankruptcy separate from the 'Low Income' bankruptcy, although we argue that there should not be a fee for accessing this form of bankruptcy. Given the very low income of individuals who would be eligible, we believe it would be difficult for these individuals to raise the fee and some would be deprived of debt relief as a result.

Debt Arrangement Scheme (DAS)

Summary

Advisers are generally positive about the role of DAS within the debt model, although there is some concern that making it mandatory for those who can repay their debts within eight years may deter some individuals from seeking debt relief. Advisers were also concerned that the proposed fee for DAS may act as a barrier.

Questions

Question 10.1 – Where it is assessed that an individual could repay their debts within a fixed period (such as 8 years), should DAS be the default option for the individual?

Yes No

We support the use of DAS when the individual is clearly able to repay their debts within a fixed period. DAS is already successfully used by a number of bureaux across the country as a route for their clients out of debt.

However, advisers raised concerns about DAS being the only option for many clients. While many individuals benefit from DAS, we are concerned that the lack of choice may be off putting to individuals.

Given that this is the proposed default option for a number of individuals, it is imperative that the Common Financial Tool that will be used to assess an individual is well designed. If the tool is too stringent on individuals and assesses too high a contribution to creditors, it is likely that many DPPs will fail before their completion.

DAS will only work as a default option if the Common Financial Tool appropriately assesses individuals' ability to make contributions.

Question 10.1a – If yes, should the period that is used be 8 years?

Yes No

We are concerned that eight years will appear a long time to repay debts for many individuals who may be put off applying for debt relief as a result. The outcome may be that some debtors will put off dealing with their debt.

If the period were to be 8 years (or something similar), it is imperative that the Common Financial Tool accurately assesses the contribution that an individual can make towards repaying their debts. If the tool is too stringent, then there is a possibility that individuals will be 'shoe-horned' into DAS with the result being that an individual will be paying a contribution that is too high for them to maintain for a substantial period of time. Individuals in this situation will be much more likely to default on their payments. DAS will only work for individuals if the tool strikes the right balance between debtor and creditor.

Question 10.1b – If no, what should the period be?

- A) 4 years
- B) 6 years
- C) 10 years
- D) another period, please specify_____.

N/A

Question 10.2 - Should the mechanism for charging for a DAS Application be aligned to other statutory debt relief options and an up-front fee charged?

Yes No

We are concerned that an upfront fee for a DAS application will deter individuals from either agreeing to DAS as the solution for their debts or actually being able to afford to enter DAS. Evidence from citizens advice bureaux on the fee for the Low Income Low Assets (LILA) route to bankruptcy shows that a large number of debtors are either delaying or are unable to make an application due to the fee.

Question 10.2a – If yes, what should the fee cover?

N/A

Question 10.3 – Should AiB be able to charge any other fees for the administration of the debt payment programme?

Yes No

We believe that the current system of the AiB taking a percentage of contributions to cover administration costs is a fairer method than charging the individual an upfront fee.

Question 10.4 - Should another appeal or review process in DAS be created to allow an individual or creditor to appeal a decision made by the DAS Administrator?

Yes No

Question 10.4a – If yes, should these appeals be made to an independent panel?

Yes No

Question 10.4b – If these appeals are not made to an independent panel, where should these appeals go?

N/A

Question 10.5 – Should the Debt Arrangement Scheme have an option of composition for individuals in DAS programmes?

Yes No

CAS has long supported the inclusion of composition within the Debt Arrangement Scheme as this would allow a greater number of clients to access the scheme.

We think that composition should be available to individuals with the agreement of creditors – for example, if a client could repay their debt within 12 years, then an agreement could be made with creditors for two-thirds of the debt to be repaid within 8 years. This would realise a greater dividend to creditors than a Protected Trust Deed or any other form of debt relief. If the creditors did not agree to a composition agreement, then the individual would be placed in another form of debt relief. In this way, composition could open up the Debt Arrangement Scheme to a greater number of individuals and realise greater dividends for creditors.

Question 10.5a – If yes, should composition only be available where the programme has successfully run for over a fixed period, for example 12 years?

Yes No

Whilst we support the principle of composition in DAS, we do not think that linking it to a fixed period of payment is the right way to introduce it. This would benefit those with larger debts and penalise those who are able to repay their debts quicker.

Question 10.5b - If yes, what should that fixed period be?

- A) 10 years
- B) 12 years
- C) 15 years
- D) another period, please specify_____.

N/A

Question 10.6 - Should composition only be available where the individual in the programme has paid a fixed percentage of the debt due?

Yes No

As above, we believe that composition should be an option at the start of a DPP with the agreement of creditors.

Question 10.6a – If yes, what should that percentage be?

- A) 50%
- B) 60%
- C) 70%

D) another percentage, please specify_____.

N/A

Question 10.7 - If composition was available, should this only be with the agreement of the creditors?

Yes No

This should be based on the agreement of a majority of creditors, so that one creditor couldn't veto an agreement that would have benefitted both debtor and creditors.

Question 10.7a – If no, should an automatic revocation of the outstanding balance be available where the individual has paid the agreed percentage?

N/A

Protected Trust Deeds

Summary

We agree that fees and charges are too high in Protected Trust Deeds and that creditors are not receiving enough of a dividend as a result. We broadly support the idea of a minimum dividend, although we are concerned that fees are not addressed in this proposal. The changes to Protected Trust Deeds are likely to reduce the number of bureau debt clients that are assessed as being eligible with many now having DAS as the statutory option.

Questions

Question 10.8 – Should there be a minimum debt level for entry into a protected trust deed?

Yes No

The high level of fees involved in a PTD can mean that individuals pay more towards their fees than they do towards their debts. It therefore makes sense that there is a minimum debt level. However, we do not think that this level should be set prohibitively high for debtors.

Question 10.8a - If yes, what should the level be?

- A) £3,000
 B) £4,000

- C) £5,000
 D) another amount, please specify_____.

Question 10.9 – Where an individual is in employment, should provision be made for a statutory notice to be issued to their employer allowing the deduction of the agreed contribution direct from the individual’s salary?

Yes No

We believe that a Protected Trust Deed should be a private arrangement that should not be brought to the attention of an individual’s employer. Doing so could potentially risk the client’s employment in certain circumstances.

Question 10.9a – If yes, who should notify the employer?

N/A

Question 10.10 – Should there be a minimum dividend proposed in a trust deed for it to be eligible for protection?

Yes No

We agree with the principle of having a minimum dividend in a PTD given the low levels of dividend that recent PTDs have realised.

Question 10.10a - If yes, is 50p in the £ an appropriate minimum amount?

Yes No

While we support the principle, we are concerned that the 50p in the £ figure does not include fees. If fees continue to be as high as in 2010/11 (where the average level of fees was £5,600), the dividend plus the fees could make the PTD unfeasible for the majority of individuals.

Question 10.10b- If not 50p in the £, what would be an appropriate minimum amount?

- A) 40p in the £
 B) 30p in the £
 C) 20p in the £
 D) another amount, please specify_____.

Question 10.11 – Should there be a fixed term for completion of a protected trust deed?

Yes No

It is important to provide clarity to the individual about the length of time in which they are required to make a contribution.

Question 10.11a - If yes, what should this period be?

- A) 3 years
- B) 4 years
- C) 5 years
- D) another period, please specify_____.

The proposed 50p in the £ minimum dividend will only be feasible for most individuals if the length of the PTD is extended from three years.

Question 10.12 – Should there be a link between the term of the protected trust deed and the delivery of the minimum dividend originally proposed?

Yes No

Question 10.13 – Should the current process that deems consent to a trust deed becoming protected continue?

Yes No

Bureau debt advisers consider the current process to work well. In other processes for seeking creditor consent, such as the Homeowner Support Scheme, delays in creditors responding can cause serious problems for the debtor. The current process for consent to a trust deed does not hold the same problems.

Question 10.13a – If yes, are the current thresholds correct?

Yes No

Question 10.13b – If the thresholds are not correct, what should they be?

N/A

Question 10.14 – If the current deemed consent process is not appropriate, what should replace it?

N/A

Question 10.15 – Where a trustee in a protected trust deed applies to make an individual bankrupt as a result of their non-compliance, should the trustee in the bankruptcy take the non-compliance into consideration when agreeing the individual’s discharge from debt?

Yes No

We would require to see a definition of ‘non-compliance’ before answering this question. An individual who is refusing to pay should be treated differently to an individual who is unable to pay due to a change in circumstances.

Question 10.16 – If the protected trust deed fails due to an individual’s refusal to comply with the terms, should it be mandatory that the trustee applies to make the individual bankrupt?

Yes No

Advisers report of clients who find themselves inundated with charges, fees, demands for payments, and threats of court action after the failure of a Protected Trust Deed. If a PTD fails when an individual is unable to make the required payments, the individual should be moved to a more suitable debt relief option such as bankruptcy.

Bankruptcy

Question 10.17 - Should the requirement for an individual to prove apparent insolvency be removed as a route into bankruptcy?

Yes No

Question 10.18 - Should the minimum debt threshold for an individual be increased?

Yes No

We believe that the minimum debt threshold should remain at £1,500 for individuals applying for the No Income or Low Income bankruptcies. For individuals with very low income, £1,500 remains a high level of debt.

Question 10.18a – If yes, should this level be £3,000?

Yes No

N/A

Question 10.18b – If no, what should this level be?

- A) £1,500
- B) £2,000
- C) £5,000
- D) another amount, please specify_____.

Comments

Question 10.19 - Should there be different minimum debt thresholds for the different debt relief products?

Yes No

The differing incomes of individuals seeking debt relief inevitably mean that some individuals will have greater ability to repay than others. It is therefore logical that debtors with lower incomes – such as those accessing No Income or Low Income bankruptcy – should have a lower minimum debt threshold than those accessing DAS or a PTD.

Question 10.20 - Should the minimum debt threshold for an individual applying to become bankrupt be the same as that for creditors?

Yes No

This depends on the minimum debt threshold decided for individuals in the previous questions and whether land attachment was to be introduced in the future (see next question).

Question 10.21 - Should the minimum debt threshold for creditor petitions increase?

Yes No

Yes, if land attachment was to be considered. This would provide more protection for debtors who are homeowners. We remain opposed to land attachment on debtors' homes.

Question 10.21a - If yes, what should that level be?

- A) £3,500
- B) £5,000
- C) £7,000
- D) another amount, please specify_____.

No Income Product

Questions

Question 10.22 - Should a new No Income product be developed for individuals who are assessed as being unable to make a contribution and who are in receipt of social security benefits only?

We support the introduction of a 'No Income' bankruptcy separate from the 'Low Income' bankruptcy, although we argue that there should not be a fee for accessing this form of bankruptcy. Given the very low income of individuals who would be eligible, we believe it would be difficult for these individuals to raise the fee and some would be deprived of access as a result.

Question 10.23 - In order to access this product should the maximum level of assets be limited, for example to £2,000?

Yes No

Question 10.23a – If yes, what should this maximum level of assets be?

- A) £1,000
- B) £2,000
- C) £5,000
- D) another amount, please specify_____.

N/A

Question 10.24 - Should an individual who owns heritable property be able to access this product?

Yes No

This product should be limited to those with a low level of assets

Question 10.24a – If yes, should there be any restrictions on the value of the property or, perhaps, equity?

N/A

Question 10.25 - As the individual is in receipt of social security benefits only, should they be discharged after 6 months, where they co-operate with their trustee?

Yes No

Question 10.25a – If no, what should the period be?

- A) 9 months
- B) 12 months
- C) 18 months
- D) another period, please specify_____.

Question 10.26 - To be eligible to apply for a No Income product, should there be a maximum debt level?

Yes No

Question 10.26a – If yes, should the maximum debt level be £17,000?

Question 10.25b – If no, what should the level be?

- A) £10,000
- B) £15,000
- C) £20,000
- D) another amount, please specify_____.

Question 10.27 - Where an individual has no income and is discharged after 6 months, should they be subject to a default credit restriction for a set period post discharge?

Yes No

Question 10.27a - If a credit restriction is appropriate, what should the period be?

- A) 3 months
- B) 6 months
- C) 12 months
- D) another period, please specify_____.

N/A

Question 10.28 - If a credit restriction is appropriate, should there be a specific value attached to this restriction, for example no credit over £3,000?

Yes No

N/A

Question 10.29 - Should the period for an individual to apply for a subsequent No Income product be extended?

Yes No

We believe that the current 5 year period is suitable

Question 10.29a – If yes, what should the period be?

- A) 7 years
- B) 10 years
- C) once in lifetime
- D) another period, please specify_____.

N/A

Question 10.30 - Where an individual has accessed debt relief through the No Income product once, should the individual's discharge for any subsequent bankruptcy be delayed?

Yes No

The individual's circumstances may have changed due to events outwith their control, in which case it would be unreasonable to delay discharge.

Question 10.30a - If yes, what should the period be?

- A) 1 year
- B) 2 years
- C) 3 years
- D) another period, please specify_____.

N/A

Low Income product

Question 10.31 – Should a new Low Income product be developed for individuals who are assessed as unable to make a contribution?

Yes No

Question 10.32 - In order to access this Low Income product should the maximum level of assets be limited?

Yes No

Question 10.32a - If yes, what level should it be?

- A) £5,000
- B) £7,000
- C) £10,000
- D) another amount, please specify_____.

Question 10.33 - As the individual in this product is not making any contributions should they be discharged after 12 months, where they co-operate with their trustee?

Yes No

Question 10.33a – If no, what should the period be?

- A) 6 months
- B) 9 months
- C) 18 months
- D) another period, please specify_____.

Question 10.34 - Do you think that this product should be available to individuals who own heritable property?

Yes No

Question 10.34a – If yes, should this be restricted to properties that have been repossessed or have negative equity?

N/A

Question 10.35 - Should there be a maximum debt limit to access a Low Income product?

Yes No

Question 10.35a - If yes, where should this maximum total unsecured debt limit be set?

- A) £20,000
 B) £30,000
 C) £50,000
 D) another amount, please specify_____.

Question 10.36 - Where an individual needs debt relief and cannot access any other bankruptcy product, they should be able to access the last resort debt relief product?

Yes No

Question 10.37 - Where the individual had previously been bankrupt or has accessed another statutory debt relief product within the previous 5 years, should their discharge period be extended?

Yes No

Question 10.37a - If yes, what period should their discharge be?

- A) 6 months
 B) 12 months
 C) 5 years
 D) another period, please specify_____.

N/A

Payment product bankruptcy

Question 10.38 - Should a new Payment product be developed for individuals who are assessed as able to make a contribution?

Yes No

We support the proposal of a fixed-fee, fixed-term contributory bankruptcy to be provided by Insolvency Practitioners or the AiB. This will provide clarity for the individual and a regular dividend for creditors.

Question 10.39 - Should the Payment product be available to individuals who are currently trading or who have traded within the preceding 5 years?

Yes No

This product should be available to individuals who have or who are trading but their debts do not stem from their business.

Question 10.40 - Should this product be unavailable to individuals who have debts exceeding a fixed sum?

Yes No

Comments

Question 10.40a - If yes, what should this sum be?

- A) £250,000
- B) £500,000
- C) £750,000
- D) another amount, please specify_____.

Those with debts of £500,000 should access the High Value bankruptcy option

Question 10.41 - Do you think the contribution should be for a fixed period?

Yes No

It is important to provide clarity to the individual about the length of time in which they are required to make a contribution.

Question 10.41a - If yes, for what period?

- A) 3 years
- B) 4 years
- C) 5 years
- D) another period, please specify_____.

[]

Question 10.42 – Where monies have been ingathered, should creditors receive regular dividend payments?

Yes No

[It is important that clarity is provided to all those involved in the process]

Question 10.42a - If yes, at what intervals?

- A) quarterly
- B) 6 monthly
- C) annually
- D) another period, please specify_____.

[Dividends should be provided regularly, but not so often that they push up administration costs and therefore fees for individuals.]

Question 10.43 – Should both insolvency practitioners and the Accountant in Bankruptcy be the trustee in Payment product cases?

Yes No

[]

Question 10.44 - For clarity for applicants and creditors, should there be a fixed charge for administering this Product?

Yes No

[We support this proposal which would provide clarity for all parties involved. This would avoid the problems inherent in Protected Trust Deeds in which individuals are often unsure of the fees that will be required to pay at the outset. This has led to increasing fees charged for PTDs. Fixing the administration charge would avoid this problem.]

Question 10.45 – If the monies ingathered are insufficient to pay a dividend to creditors, should the individual's discharge be deferred until the costs of the administration of the bankruptcy are met?

Yes No

[An individual should not be assessed as being eligible for the Payment Product Bankruptcy if it is clear that they are unable to pay a dividend to creditors at the outset.]

Question 10.46 - Should a new High Value product be developed for individuals who are currently trading or have traded in the past 5 years or who have debts in excess of a fixed amount?

Yes No

Question 10.46a - If yes, what should this fixed amount be?

- A) £250,000
- B) £500,000
- C) £750,000
- D) another amount, please specify_____.

Question 10.47 – Where the common financial tool assesses that a contribution should be made, should this be for a fixed period?

Yes No

Question 10.47a - If yes, for what period?

- A) 3 years
- B) 4 years
- C) 5 years
- D) another period, please specify_____.

Question 10.48 – If the monies ingathered are insufficient to pay a dividend to creditors, should the individual's discharge be deferred until the costs of the administration of the bankruptcy are met?

Yes No

Question 10.49 – Should there be a mechanism to transfer an individual from one bankruptcy product to another?

Yes No

circumstances worsen, there must be a mechanism for transferring the individual to a more suitable product before their agreement fails. We see money advisers as having a role in this process.

Part 11 Solution for Sole Traders and Partnerships

Question 11.1 - Should a new Business DAS be developed for sole traders and non-limited liability partnerships where the business is assessed as viable?

Yes No

Question 11.2 – Should Business DAS exclude non-business debts?

Yes No

Question 11.3 - Prior to entering Business DAS, should business advice be compulsory?

Yes No

Question 11.3a – If yes, who should provide that advice?

Question 11.4 - Should debt relief or composition be incorporated into Business DAS and agreed with creditors at the proposal stage?

Yes No

Part 12 Removal of Non-Contentious Creditor Petitions from Court

Questions

Question 12.1 - Should all creditor bankruptcy applications to make an individual bankrupt be submitted to the AiB?

Yes No

All applications should be made to the AiB with contested creditor applications being submitted by the AiB to the Sheriff Court.

Question 12.1a – If no, should only non-contested creditor applications be considered for award by AiB?

Yes No

N/A

Question 12.2 – Where an application is submitted to AiB and the individual contests this, who should submit the application to the Sheriff Court for consideration?

The AiB should submit the application

Question 12.3 - Where a creditor notifies an individual of their intention to make them bankrupt, what should the minimum period be that the creditor must wait before submitting the bankruptcy application to AiB?

- A) 14 days
- B) 21 days
- C) 28 days
- D) another period, please specify_____.

Question 12.4 –Should the process of an executor petitioning to bankrupt the estate of an insolvent deceased individual be removed from the court, and replaced with an application to the AiB?

Yes No

Part 13 Debtor Co-operation

Questions

Question 13.1 – Should the co-operation of a bankrupt individual be linked to discharge?

Yes No

This depends on the definition of 'co-operation'. A differentiation must be made between those who can't pay due to a change in circumstances and those who won't pay.

Question 13.2 - If an individual has not co-operated, should there be a maximum period that discharge could be deferred?

- A) 1 year
- B) 3 years
- C) 5 years
- D) another period, please specify_____.

Again, this depends on the definition. We would not want to see an individual losing out due to an unavoidable change in circumstances.

Question 13.3 - Where an individual cannot be located should discharge be deferred indefinitely?

Yes No

Comments

Question 13.3a – If no, what period should the deferral of discharge be?

- A) 1 year
- B) 3 years
- C) 5 years
- D) another period, please specify_____.

Question 13.4 – Should the AiB have the power to defer discharge where an individual has not co-operated, without the need to refer to case to a sheriff?

Yes No

Question 13.5 – Who should provide an appeals process?

- A) the Sheriff Court
- B) an independent tribunal
- C) AiB's Policy and Cases Committee
- D) other, please specify_____.

Question 13.6 - Should other types of unsecured debts be excluded from the discharge?

Yes No

We believe that bankruptcy should be a clean slate for individuals to get them back on their feet.

Question 13.6a – If yes, what other types of unsecured debts should not be discharged and your reasons why?

N/A

Question 13.7 - Where an individual has incurred a debt within a specified period prior to their application for bankruptcy or trust deed, should this debt be excluded from discharge?

Yes No

This should not apply to individuals who have reached this situation due to a change in circumstances, such as illness or unemployment. This should only apply where it can reasonably be proved that the debt was taken in circumstances when it was clear that the debt could not be repaid. It should not apply to situations where credit had been taken out to meet essential obligations or living costs.

Question 13.7a – If yes, should this be limited to debts for non-essential, luxury items or where it is proven that the individual had no intention to repay?

See above

Question 13.8 - Where an individual has incurred a debt within a specified period prior to their application for bankruptcy or the granting of a trust deed and it is agreed that this debt will be excluded from discharge, what should the specified period be?

- A) 4 weeks
- B) 8 weeks
- C) 12 weeks
- D) another period, please specify_____.

Question 13.9 - Should the child maintenance arrears continue to be claimable and to be discharged in bankruptcies and protected trust deeds when the individual is discharged?

Yes No

We believe that bankruptcy should be a clean slate for individuals to get them back on their feet. Bankruptcy should be used as an opportunity to get back on track with child maintenance payments.

Question 13.10 – Should credit union debts continue to be discharged in bankruptcies and protected trust deeds when the individual is discharged?

Yes No

We believe that bankruptcy should be a clean slate for individuals to get them back on their feet. If a credit union loan has been fraudulently taken out immediately prior to bankruptcy, then this would be covered by the specified period prior to bankruptcy where debts would not be discharged.

Excluding credit union debts from bankruptcy would effectively punish an individual for taking our credit from a credit union rather than a bank loan or payday loan.

Question 13.11 – Should only credit union debts that were incurred by the individual within a specified period prior to them entering bankruptcy or granting a trust deed be excluded from discharge?

Yes No

Question 13.11a – If yes, how long should this specified period be?

- A) 4 weeks
- B) 8 weeks
- C) 12 weeks
- D) another period, please specify_____.

This should be on an equivalent basis to other types of debt

Part 14 Modernisation of Legislation

Questions

Question 14.1 – Where material policy changes are identified by the Scottish Law Commission as part of their consultation on bankruptcy consolidation, should any recommendation they make regarding these be incorporated where appropriate?

Yes No

Question 14.2 - Do you agree that a consolidation Bill follow the programme Bill through Parliament?

Yes No

Question 14.3 - Should creditors be required to submit a claim within a specified timescale?

Yes No

Question 14.3a - If so, what should this timescale be?

- A) 60 days
- B) 90 days
- C) 120 days
- D) another period, please specify_____.

Question 14.3b – If the creditor does not submit a claim within the agreed timescale, what should the penalty be?

Question 14.4 - Should there be a defined habitual residence test for individuals who wish to apply for statutory debt relief in Scotland?

Yes No

Question 14.4a - If yes, what aspects should be taken into account?

Question 14.5 - Should the power to determine the form of the Register of Insolvencies (ROI) be moved from the Act of Sederunt to regulations made under the Bankruptcy (Scotland) Act 1985?

Yes No

Question 14.6 - Should the ROI be updated after the award of bankruptcy to include the individual's current address where they have moved?

Yes No

Question 14.7 - What, if any further information should be included on the ROI?

Question 14.8 - Should some details of an individual who is at risk of violence be withheld from the ROI?

Yes No

Question 14.9 - Are there any other categories of individuals whose details should be withheld from the ROI? Please specify.

Yes No

No comment

Question 14.10 - Is the supplementary questionnaire effective as an interview aid, or is something else required to replace it?

Yes No

Comments

Question 14.11 - Would the use of a common financial tool remove the need to collect further information on a supplementary questionnaire?

Yes No

Question 14.12 - Where a recall of bankruptcy is granted, should the distribution process be clarified?

Yes No

Question 14.13 - Should the legislation be amended to ensure that the final interlocutor in a recall is withheld by the Court until it is confirmed that all relevant costs and creditors have been paid?

Yes No

Comments

Question 14.14 - Should the current prescribed rate of interest be retained?

Yes No

Question 14.15 - Should all post-procedure interest and charges be frozen on statutory debt relief products?

Yes No

Question 14.15a - If not, should the interest rate be linked to the Bank of England base rate?

Yes No

Question 14.16 - Should the requirement to keep a hard copy of a sederunt book be removed?

Yes No

Question 14.16a – If yes, should the key documents be retained electronically?

Yes No

Question 14.16b – What should the key documents include?

Question 14.17 - Should the date of sequestration be the award date in both debtor applications and creditor petitions?

Yes No

Question 14.17a – If no, should the discharge date be linked to the date the award was made by the sheriff?

Yes No

N/A

Question 14.18 - Should the ability to apply for a payment holiday be introduced to all statutory debt relief products?

Yes No

Payment holidays are valued by advisers in the Debt Arrangement Scheme and we believe that it should be introduced to all statutory debt relief products.

Question 14.19 - Should the period of the payment holiday be fixed at 6 months as it is in DAS?

Yes No

This would ensure that advisers, debtors and creditors were clear about where a payment holiday is appropriate and how it would operate across all debt relief products.

Question 14.20 - If a payment holiday is granted, should this period be added onto the length of the period before discharge?

Yes No

Question 14.21 - Should the criteria for a payment holiday be the same for all statutory debt relief products?

Yes No

This would be useful to ensure consistency and clarity

Question 14.22 - Should bankruptcy processes be removed from the Sheriff Court where the process is mainly administrative?

Yes No

Question 14.22a - If yes, should AiB have the power to make orders for these mainly administrative processes, with disputed decisions being referred to a sheriff?

Yes No

Provided that individuals are afforded sufficient time and opportunity to dispute bankruptcy where appropriate.

Question 14.23 - Should a panel, separate from the decision maker, decide the outcome of more complex applications and review disputed decisions?

Yes No

It is important that there is an independent element to the decision making process where decisions are disputed

Question 14.23a - If yes, should the panel have the power to make the final decision in low value, straightforward cases?

Yes No

Question 14.24 - Should the make-up of this panel include representatives of a cross-section of stakeholders, such as insolvency practitioners, Recognised Professional Bodies, money advisers, solicitors, etc?

Yes No

We believe that it is key that this panel has representation from the free advice sector.

Question 14.25 - Should all bankruptcy processes currently dealt with by the Sheriff Court be removed to AiB, subject to appropriate appeals?

Yes No

Yes, although individuals should always have access to sheriff courts on

points of law and to an independent panel in the event of a disputed decision

Question 14.26 - If all bankruptcy processes were removed from the Sheriff Court, should an independent adjudicator or tribunal be formed to review disputed decisions?

Yes No

We would be happy with either a panel or an independent tribunal

Part 15 AiB Role and Powers

Questions

Question 15.1 - Does the AiB acting as trustee in approximately 59% of bankruptcy cases, excluding LILA cases, have a positive impact on the existence of a healthy and competitive insolvency sector in Scotland?

Yes No

We believe that the AiB has an important role to play as trustee in bankruptcy cases. Some of the debt relief options, such as LILA, may not be available to individuals if the AiB did not take the role of trustee.

Question 15.1a – If no, should the AiB continue to act as a trustee in bankruptcies in Scotland?

Yes No

N/A

Question 15.1b – If the AiB should continue to act as trustee, should she act only as trustee of last resort?

Yes No

Question 15.2 – Where the AiB is trustee and asset realisations and contributions in a bankruptcy case do not meet the cost of case administration, how should any shortfall be funded?

While we understand that the AiB is moving to a cost-realisation model, it is important that individuals with a very low income are not tied to covering costs of their bankruptcy. We believe that public funding should help cover the costs of such bankruptcies.

Question 15.2a – Where the AiB is trustee, should bankruptcies which can cover the costs of administration subsidise those which cannot?

Yes No

Individuals who can make contributions should cover the costs of the administration of their own debt relief options, but they should not cover the costs of others. We believe that there should be an element of subsidisation from public funding for bankruptcies where the individual has a very low

income.

Question 15.2b – If no, should bankrupts be required to cover the minimum costs of administration?

Individuals who cannot make contributions, particularly those accessing the 'No income' product, should not be required to cover the minimum costs of administration.

Question 15.3 - Should AiB have a more proactive role in the supervision of all debt management products?

Yes No

Question 15.4 - Where the AiB makes a direction which is not adhered to by the trustee, should an AiB panel decide on an appropriate course of action?

Yes No

Question 15.5 - Should Scottish Ministers have the power to regulate Scottish Insolvency Practitioners ?

Yes No

Given that there is a very distinct legal and debt relief landscape in Scotland, it is logical that regulation of Insolvency Practitioners should be the responsibility of Scottish Ministers.

Question 15.5a - If yes, should this be managed through Recognised Professional Bodies who would monitor and regulate Insolvency Practitioners?

Yes No

Question 15.6 - Do you think that the current Memorandum of Understanding between the UK Insolvency Service and Recognised Professional Bodies should be redrafted to allow the provision of information to AiB on regulatory activity related to Scottish cases?

Yes No

Comments

Question 15.7 – Should there be an information sharing agreement between AiB and the Recognised Professional Bodies which have members who take on personal insolvency work from clients based in Scotland?

Yes No

Question 15.8 – Should there be an office of the Official Receiver in Scotland?

Yes No

Question 15.9 - If the role of the Official Receiver in Scotland is devolved to the Scottish Government, should this role be carried out by Accountant in Bankruptcy?

Yes No

Question 15.9a - If no, who should carry out this role?

Question 15.10 - If there was an office of the Official Receiver in Scotland, how should this be funded?

Annex B

Consultation on Bankruptcy Law Reform



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Citizens Advice Scotland

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Dryburgh

Forename

Keith

2. Postal Address

Postcode	Phone 0131 550 1015	Email keith.dryburgh@cas.org.uk

3. Permissions - I am responding as...

Individual / Group/Organisation
Please tick as

- (a) Do you agree to your response being made available to the public (in Scottish Government library)
- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis
Please tick ONE of the following boxes
- Yes, make my response, name and address all available
- Yes, make my response

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library)
Are you content for your **response** to be made available?
- Please tick as appropriate**
 Yes No

available, but not my
name and address

Yes, make my response
and name available, but
not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

No *Please tick as appropriate* **Yes**