

Date: 9th October 2017

FAO Graeme Perry
AiB, 1 Pennyburn Road
Kilwinning
Ayrshire, KA13 6SA

Our ref: SWJ/JAN/3/7

Please reply to: Edinburgh Office

Tel no: +44 (0)131 516 5354

Fax no: +44 (0)131 516 5378

BY EMAIL ONLY: OPC@aib.gsi.gov.uk

Email: sjansch@gilsongray.co.uk

Dear Sirs

FUTURE OF THE COMMON FINANCIAL TOOL CONSULTATION 2017

We enclose our firm's response to the above. Our views, and those of our clients, merit further explanation in light of the import of these proposed changes.

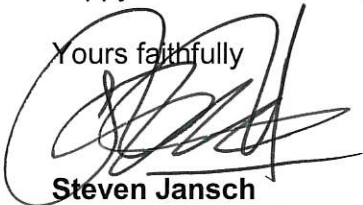
Our response is based on those of our clients who fit into the "creditor" bracket of respondents. We also act for numerous insolvency practitioners whose views as far as we have been able to ascertain seem to largely reflect those of our creditor clients.

Consistency is an aim that all involved in insolvency are agreed should be strived for. Consistency must be fact specific, so flexibility must also be built in to the approach to any one case. The CFT when it was first introduced appeared to offer both. It is almost too soon to say from the creditor's perspective whether the CFT has had the desired impact, but anything that is so clearly aimed at "consistency and assurance for both the money advice sector and creditors that the debtor will be paying no more and no less than is appropriate towards their debts" has our creditor clients' support. Basing such a tool, whether that be the CFT or the SFS, on the LCF surveys is eminently sensible.

From the creditors' perspective, consistency cannot be achieved with continual tinkering of whatever tool is used. That there is a "common" tool (although it may be called SFS) is laudable and from anecdotal comments from some of our clients should also make the insolvency practitioners' jobs more transparent and in turn easier.

We trust our response and these additional comments are of some assistance. We would be happy to be contacted again in relation to this matter.

Yours faithfully



Steven Jansch
Partner, Head of Insolvency
Gilson Gray LLP
DD: +44 (0)131 516 5361

Encs

1. Completed Annex QUESTIONS

29 Rutland Square, Edinburgh EH1 2BW T 0131 516 5354 F 0131 516 5378 LP 31 Edinburgh 2 DX Edinburgh 5
160 West George Street, Glasgow G2 2HQ T 0141 530 2021 F 0141 530 2035 LP 14 Glasgow 6 DX Glasgow 10

E info@gilsongray.co.uk gilsongray.co.uk Company No. SO304731 VAT No. 180772300

Gilson Gray is a trading name of Gilson Gray LLP, a limited liability partnership registered in Scotland, registered office 29 Rutland Square, Edinburgh, EH1 2BW.

Members: David W Alexander, Iain K Clark (Solicitor Advocate), Philippa Cunniff, Craig C Darling, Andrew Fleetwood, Alex Garioch, Glen D Gilson, Derek Hamill, Steven W Jansch (Solicitor Advocate), Donna Kelly-Gilmour, Deborah McCathie, Graham Millar, H. Stuart Robertson, Murray Stewart, Rosie Walker. *Also qualified as Solicitors in England & Wales.

Annex

QUESTIONS

1. Do you agree that the Standard Financial Statement (SFS) should be adopted in Scotland as the new Common Financial Tool?

Yes No Don't know

If you answered 'No' to Q1 - please go to Q3

2. If introduced, should the SFS be used in the review of existing contributions which were not originally determined using the SFS?

Yes No

If you answered 'No' to Q2, what would be the appropriate method for reviewing the contribution amount?

Answer: _____

Please now go to Q5

3. For what reason(s) do you believe the SFS is not the appropriate tool for all Scottish statutory debt management and debt relief solutions?

Please provide information and any evidence that supports your reason(s).

Answer: _____

4. What do you consider an appropriate method for determining a debtor's contribution for a Scottish statutory debt management and debt relief solution?

Please provide information and any evidence that supports this and detail who you consider should manage and fund this process.

Answer: _____

5. If the SFS is to be introduced from 1 April 2018, will you be able to make any required changes to your IT and other operating systems, in time to use the SFS from this date?

Yes No

If you answered 'No' to Q5, how long after 1 April 2018 do you believe you will be ready to use the SFS?

Up to 3 months 3 to 6 months a longer period (Please specify) _____

RESPONDENT INFORMATION FORM

Please note that this form must be returned with your response to ensure that we handle your response appropriately.

1. Name/Organisation

Organisation Name

Gilson Gray LLP

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

Surname

Jansch

Forename

Steven

2. Postal Address

29 Rutland Square

Edinburgh

Postcode EH1 2BW

Phone 0131 516 5354

Email sjansch@gilsongray.co.uk

3. Sector

Please tick as appropriate

Advice Sector

Creditor

Local Authority

Solicitors/Advocates

Insolvency Practitioners

Debtor

Sheriff Officer & Messenger at Arms

Judiciary

Other If other please specify _____

4. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

- (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 available, but not my name and address

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

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes No

- (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?

Please tick as appropriate

Yes

Please return your response to OPC@aib.gsi.gov.uk or to: Graeme Perry, AiB, 1 Pennyburn Road, Kilwinning, Ayrshire, KA13 6SA by 27 October 2017.