



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 16

### DISCLOSURE OF INFORMATION

#### 220 Information disclosure

- (1) The Scottish Ministers may, by regulations, make provision for—
  - (a) the obtaining, on the application to the sheriff by creditors, by the sheriff of information about debtors; and
  - (b) the disclosure of that information to creditors to facilitate diligence to enforce payment of debts due by virtue of decrees and documents of debt.
- (2) Regulations under subsection (1) above may, in particular—
  - (a) provide about applications by the creditor;
  - (b) prescribe persons who may make an application on the creditor's behalf;
  - (c) provide about the functions of the sheriff on such applications;
  - (d) prescribe the information about the debtor which may be obtained;
  - (e) prescribe the persons from whom such information may be required;
  - (f) provide about the consequences (if any) of such a prescribed person failing to disclose information when required to do so;
  - (g) provide about the disclosure of information obtained by the sheriff to—
    - (i) the creditor; and
    - (ii) such other persons as the regulations may prescribe;
  - (h) provide for unauthorised use or disclosure of such information to be an offence; and
  - (i) make such other provision as the Scottish Ministers think fit.
- (3) Regulations under subsection (1) above may not prescribe the debtor as a person from whom information may be required.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A person who commits an offence under regulations made under subsection (1) above is liable to such penalties, not exceeding the penalties mentioned in subsection (5) below, as are provided for in the regulations.
- (5) Those penalties are—
  - (a) on summary conviction, imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, imprisonment for a term not exceeding 2 years or a fine or both.
- (6) Any provision made under regulations under subsection (1) above does not prejudice any power to disclose or use information (or to order such disclosure or use) that exists under any other enactment or rule of law.
- (7) The disclosure or use of information by virtue of regulations under subsection (1) above is not to be taken to breach any restriction on the disclosure or use of such information (however imposed).
- (8) The Scottish Ministers may by order modify, for the purposes of this section, the definitions of “decree” and “document of debt” in section 221 of this Act by—
  - (a) adding types of decree or document to;
  - (b) removing types of decree or document from; or
  - (c) varying the description of,the types of decree or document to which those definitions apply.