



# Bankruptcy (Scotland) Act 2016

## 2016 asp 21

### PART 10

#### CLAIMS, DIVIDENDS AND DISTRIBUTION ETC.

##### *Submission and adjudication of claims*

#### **124 False claims etc.**

- (1) Subsections (2) and (3) apply where a creditor produces under section 122 or 123—
  - (a) a statement of claim,
  - (b) account,
  - (c) voucher, or
  - (d) other evidence,which is false.
- (2) The creditor commits an offence unless it is shown that the creditor neither knew nor had reason to believe that the statement of claim, account, voucher or other evidence was false.
- (3) The debtor commits an offence if the debtor—
  - (a) knew, or became aware, that the statement of claim, account, voucher or other evidence was false, and
  - (b) failed, as soon as practicable after acquiring such knowledge, to report to the trustee that the statement of claim, account, voucher or other evidence was false.
- (4) A person convicted of an offence under subsection (2) or (3) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum, or—
    - (i) in a case where the person has previously been convicted of an offence inferring dishonest appropriation of property or an attempt at dishonest appropriation of property, to imprisonment for a term not exceeding 6 months, or
    - (ii) in any other case, to imprisonment for a term not exceeding 3 months,

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**Changes to legislation:** Bankruptcy (Scotland) Act 2016, Section 124 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- or both to a fine not exceeding the statutory maximum and to such imprisonment as is mentioned, in relation to the case in question, in subparagraph (i) or (ii), or
- (b) on conviction on indictment—
- (i) to a fine, or
  - (ii) to imprisonment for a term not exceeding 2 years,
- or both to a fine and to such imprisonment.

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**Commencement Information**

**II** S. 124 in force at 30.11.2016 by S.S.I. 2016/294, reg. 2

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by [2019 asp 4 s. 7\(2\)\(a\)](#)
- s. 78(2)(b) and word inserted by [2019 asp 4 s. 7\(2\)\(b\)](#)