

Housing (Scotland) Act 2001

PART 3

REGULATION OF SOCIAL LANDLORDS

CHAPTER 3

COMMON PROVISIONS

Information

78 Power to obtain information: further provision

- (1) In section 77, "agent" includes banker, solicitor and auditor.
- (2) Nothing in that section authorises the Scottish Ministers to require—
 - (a) the disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session, or
 - (b) the disclosure by a banker of anything in breach of any duty of confidentiality owed by the banker to a person other than a local authority or, as the case may be, a registered social landlord or a subsidiary or associate of a registered social landlord.
- (3) References in that section to a document are to anything in which information of any description is recorded; and in relation to a document in which information is recorded otherwise than in legible form, references to producing it are to producing it in legible form.
- (4) Where by virtue of that section documents are produced to any person, that person may take copies of or make extracts from them.
- (5) A person who fails, without reasonable excuse, to do anything required of that person by a notice under that section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Changes to legislation: Housing (Scotland) Act 2001, Section 78 is up to date with all changes known to be in force on or before 21 May 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

- (6) A person who intentionally alters, suppresses or destroys a document which that person has been required by a notice under that section to produce is guilty of an offence and is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.

Commencement Information

II S. 78 wholly in force at 1.11.2001, see s. 113 and S.S.I. 2001/336, art. 2(3), Sch. Pt. II (subject to transitional provisions in art. 3) (as amended by S.S.I. 2001/397, art. 7(b))

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. 5(5A) inserted by 2003 asp 10 s. 5(4)(c) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 14(1)(a) words renumbered as s. 14(1)(a) by 2021 asp 16 s. 22(2)(a)(i)
- s. 14(1)(b) inserted by 2021 asp 16 s. 22(2)(a)(ii)
- s. 14(1A)(1B) inserted by 2021 asp 16 s. 22(2)(b)
- s. 14(5C)-(5E) inserted by 2021 asp 16 s. 22(2)(e)
- s. 16(2)(d)(e) inserted by 2021 asp 16 s. 22(3)(b)(ii)
- s. 16(3ZA)(3ZB) inserted by 2021 asp 16 s. 22(3)(c)
- s. 16(5C) inserted by 2021 asp 16 s. 22(3)(e)
- s. 16(7)-(10) inserted by 2021 asp 16 s. 22(3)(f)
- s. 34(7A)-(7C) inserted by 2003 asp 10 s. 6(2) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 34(8)(b) and words inserted by 2003 asp 10 s. 6(3)(b) (This amendment not applied to legislation.gov.uk. S. 6 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)
- s. 89(12) inserted by 2019 asp 10 s. 18(3)
- sch. 2 para. 15A inserted by 2021 asp 16 s. 22(4)
- sch. 6 para. 5A and cross-heading inserted by 2003 asp 10 s. 5(5) (This amendment not applied to legislation.gov.uk. S. 5 omitted (31.12.2012) without ever being in force by virtue of S.S.I. 2012/330, arts. 1, 13)