



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 11

DISCHARGE

Discharge of debtor

147 Section 146: sanctions

- (1) If a debtor fails to comply with the requirement imposed by subsection (2) or (4) of section 146, that section applies in relation to the debtor as if the relevant period were the 12 months beginning with the date of discharge.
- (2) If a debtor fails to comply with the requirement imposed by subsection (2) or (4) of section 146 during the period when the section applies in relation to the debtor by virtue of subsection (1), the debtor commits an offence.
- (3) A debtor who commits an offence under subsection (2) is liable on summary conviction—
 - (a) to a fine not exceeding the statutory maximum,
 - (b) to imprisonment for—
 - (i) a term not exceeding 3 months, or
 - (ii) if the person has previously been convicted of an offence inferring dishonest appropriation of property (or an attempt at such appropriation), a term not exceeding 6 months, or
 - (c) both to such fine and to such imprisonment.
- (4) A debtor who commits an offence under subsection (2) is liable on conviction on indictment—
 - (a) to a fine,
 - (b) to imprisonment for a term not exceeding 2 years, or
 - (c) both to such fine and to such imprisonment.

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 147 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](#)

Commencement Information

II [S. 147](#) in force at 30.11.2016 by [S.S.I. 2016/294](#), [reg. 2](#)

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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\(2\)\(b\)](#)