



Bankruptcy (Scotland) Act 2016

2016 asp 21

PART 17

MISCELLANEOUS

222 Supplies by utilities

- (1) This section applies where on any day (“the relevant day”)—
- (a) sequestration is awarded in a case where a debtor application was made,
 - (b) a warrant is granted under section 22(3) in a case where the petition was presented by a creditor or by a trustee acting under a trust deed, or
 - (c) the debtor grants a trust deed.
- (2) If a request falling within subsection (3) is made for the giving, after the relevant day, of any of the supplies mentioned in subsection (4), the supplier—
- (a) may make it a condition of the giving of the supply that the office holder personally guarantee the payment of any charges in respect of the supply, and
 - (b) is not to make it a condition (or to do anything which has the effect of making it a condition) of the giving of the supply that any outstanding charges in respect of a supply given to the debtor before the relevant day are paid.
- (3) A request falls within this subsection if it is made—
- (a) by or with the concurrence of the office holder, and
 - (b) for the purposes of any business which is, or has been, carried on by or on behalf of the debtor.
- (4) The supplies are—
- (a) a supply of gas by a gas supplier, within the meaning of Part 1 of the Gas Act 1986,
 - [^{F1}(aa) a supply of gas by a person within paragraph 1 of schedule 2A of the Gas Act 1986 (supply by landlords etc.),]
 - (b) a supply of electricity by an electricity supplier, within the meaning of Part 1 of the Electricity Act 1989,
 - [^{F2}(ba) a supply of electricity by a class of person within Class A (small suppliers) or Class B (resale) of schedule 4 of the Electricity (Class Exemptions from the Requirement for a Licence) Order 2001 ([S.I. 2001/3270](#)),]

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 222 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

- (c) a supply of water by Scottish Water, ^{F3}...
 - [^{F4}(ca) a supply of water by a water services provider within the meaning of the Water Services etc. (Scotland) Act 2005,
 - (cb) a supply of water by a person who has an interest in the premises to which the supply is given,]
 - (d) a supply of communications services by a provider of a public electronic communications service.
 - [^{F5}(e) a supply of communications services by a person who carries on a business which includes giving such supplies, and
 - (f) a supply of goods or services mentioned in subsection (5A) by a person who carries on a business which includes giving such supplies, where the supply is for the purpose of enabling or facilitating anything to be done by electronic means.]
- (5) In subsection (4)(d) “communications services” do not include electronic communications services to the extent that they are used to broadcast, or otherwise transmit, programme services (within the meaning of the Communications Act 2003).
- [^{F6}(5A) The goods and services referred to in subsection (4)(f) are—
- (a) point of sale terminals,
 - (b) computer hardware and software,
 - (c) information, advice and technical assistance in connection with the use of information technology,
 - (d) data storage and processing,
 - (e) website hosting.]
- (6) In this section, “the office holder” means, as the case may be—
- (a) the interim trustee,
 - (b) the trustee in the sequestration, or
 - (c) the trustee acting under a trust deed.

Textual Amendments

- F1** S. 222(4)(aa) inserted (1.8.2017) by [The Public Services Reform \(Corporate Insolvency and Bankruptcy\) \(Scotland\) Order 2017 \(S.S.I. 2017/209\)](#), arts. 1(2), **7(2)(a)**
- F2** S. 222(4)(ba) inserted (1.8.2017) by [The Public Services Reform \(Corporate Insolvency and Bankruptcy\) \(Scotland\) Order 2017 \(S.S.I. 2017/209\)](#), arts. 1(2), **7(2)(b)**
- F3** Word in s. 222(4) repealed (1.8.2017) by [The Public Services Reform \(Corporate Insolvency and Bankruptcy\) \(Scotland\) Order 2017 \(S.S.I. 2017/209\)](#), arts. 1(2), **7(2)(c)**
- F4** S. 222(4)(ca)(cb) inserted (1.8.2017) by [The Public Services Reform \(Corporate Insolvency and Bankruptcy\) \(Scotland\) Order 2017 \(S.S.I. 2017/209\)](#), arts. 1(2), **7(2)(c)**
- F5** S. 222(4)(e)(f) inserted (1.8.2017) by [The Public Services Reform \(Corporate Insolvency and Bankruptcy\) \(Scotland\) Order 2017 \(S.S.I. 2017/209\)](#), arts. 1(2), **7(2)(d)**
- F6** S. 222(5A) inserted (1.8.2017) by [The Public Services Reform \(Corporate Insolvency and Bankruptcy\) \(Scotland\) Order 2017 \(S.S.I. 2017/209\)](#), arts. 1(2), **7(3)**

Commencement Information

- I1** S. 222 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\(2\)\(b\)](#)