



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,
 - (b) a supply of electricity by an electricity supplier, within the meaning of Part 1 of the Electricity Act 1989,
 - (c) a supply of water by Scottish Water, and
 - (d) a supply of communications services by a provider of a public electronic communications service.

Status: This is the original version (as it was originally enacted).

- (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).
- (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.