



# Moveable Transactions (Scotland) Act 2023

2023 asp 3

## PART 1

### ASSIGNATION

#### CHAPTER 2

##### REGISTER OF ASSIGNATIONS

PROSPECTIVE

##### *Searches and extracts*

### **33 Searching the assignments record**

- (1) The Keeper must provide a facility by which the assignments record may be searched.
- (2) That search facility must allow the assignments record to be searched by reference to, and only by reference to—
  - (a) any of the following information in the entries contained in that record—
    - (i) the names of assignors, which must be capable of being searched with and without the months and years of birth of assignors who are individuals,
    - (ii) the identifying numbers of assignors required by RoA Rules to be identified in the assignments record by such a number,
  - (b) registration numbers allocated, under [section 25\(1\)\(b\)](#), to entries in that record, or
  - (c) any other factor, or characteristic, specified for the purposes of [this paragraph](#) by RoA Rules.

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Moveable Transactions (Scotland) Act 2023, Cross Heading: Searches and extracts. (See end of Document for details)*

- (3) Subject to any restrictions imposed under RoA Rules, a person may search the assignments record using the search facility provided under [subsection \(1\)](#) provided that either—
- (a) such fee as is payable for the search is paid, or
  - (b) arrangements satisfactory to the Keeper are made for payment of that fee.
- (4) But no fee is payable for a search of the assignments record which is carried out on behalf of an individual by a not-for-profit money adviser (being an adviser who does not charge individuals for the adviser’s services).
- (5) The Scottish Ministers may, by regulations, make further provision about the meaning of “not-for-profit money adviser” for the purposes of subsection (4).

#### Commencement Information

**I1** S. 33 not in force at Royal Assent, see [s. 121\(2\)](#)

### 34 Admissibility and evidential status of search results

- (1) A copy of a search result (in printed or electronic form) which relates to a search carried out by means of a search facility provided by the Keeper is admissible in evidence.
- (2) In the absence of evidence to the contrary—
- (a) where such a search result purports to show an entry in the assignments record, it is sufficient proof of—
    - (i) the registration of the assignment document to which the result relates,
    - (ii) where applicable, a correction of the entry in the assignments record to which the result relates, and
    - (iii) the date and time of such registration or, as the case may be, correction, and
  - (b) where such a search result purports not to show an entry in the assignments record, it is sufficient proof of an entry in the assignments record not being disclosed at the date and time of such search by means of the search carried out.

#### Commencement Information

**I2** S. 34 not in force at Royal Assent, see [s. 121\(2\)](#)

### 35 Extracts and their evidential status

- (1) A person may apply to the Keeper for an extract of an entry in the register.
- (2) The Keeper must issue the extract if—
- (a) such fee as is payable for issuing it is paid, or
  - (b) arrangements satisfactory to the Keeper are made for payment of that fee.

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- (3) But if, on application under subsection (1), the applicant requests an extract as at a specific date and time, the Keeper need comply with the request only to the extent that it is reasonably practicable to do so.
- (4) The Keeper may validate the extract as the Keeper considers appropriate.
- (5) The Keeper may issue the extract as an electronic document unless the applicant requests that it be issued as a traditional document.
- (6) The extract is to be accepted for all purposes as sufficient evidence of the contents of the entry as at—
  - (a) in the case of an extract requested as mentioned in subsection (3), the date and time to which the extract relates (being a date and time specified in the extract), and
  - (b) in any other case, the date on which and the time at which the extract is issued (being a date and time specified in the extract).

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#### **Commencement Information**

**I3** S. 35 not in force at Royal Assent, see [s. 121\(2\)](#)

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Moveable Transactions (Scotland) Act 2023, Cross Heading: Searches and extracts.