



Moveable Transactions (Scotland) Act 2023 2023 asp 3

PART 2

SECURITY OVER MOVEABLE PROPERTY

CHAPTER 2

REGISTER OF STATUTORY PLEDGES

PROSPECTIVE

Searches and extracts

104 Searching the statutory pledges record

- (1) The Keeper must provide a facility by which the statutory pledges record may be searched.
- (2) That search facility must allow the statutory pledges 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 providers, which must be capable of being searched with and without the months and years of birth of providers who are individuals,
 - (ii) the identifying numbers of providers required by RSP Rules to be identified in the statutory pledges record by such a number,
 - (iii) if RSP Rules require the encumbered property to be identified (whether by an identifying number or in some other way), by reference to such identification,
 - (b) registration numbers allocated, under [section 87\(1\)\(b\)](#), to entries in that record, or

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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)

- (c) any other factor, or characteristic, specified for the purposes of [this paragraph](#) by RSP Rules.
- (3) Subject to any restrictions imposed under RSP Rules, a person may search the statutory pledges 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 statutory pledges 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

II S. 104 not in force at Royal Assent, see [s. 121\(2\)](#)

105 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 statutory pledges record, it is sufficient proof of—
 - (i) the registration of the statutory pledge, or an amendment to the entry in the statutory pledges record, to which the result relates,
 - (ii) where applicable, a correction of the entry in the statutory pledges 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 statutory pledges record, it is sufficient proof of an entry in the statutory pledges record not being disclosed at the date and time of such search by means of the search carried out.

Commencement Information

II S. 105 not in force at Royal Assent, see [s. 121\(2\)](#)

106 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).

Commencement Information

I3 S. 106 not in force at Royal Assent, see [s. 121\(2\)](#)

Status:

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Changes to legislation:

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