



# Moveable Transactions (Scotland) Act 2023

2023 asp 3

## PART 1

### ASSIGNATION

#### CHAPTER 2

##### REGISTER OF ASSIGNATIONS

###### *Requests for information*

PROSPECTIVE

### **36 Assignee's duty to respond to request for information**

- (1) An entitled person may ask the person identified in an entry in the assignments record as the assignee (the “registered assignee”) to provide the entitled person with a written statement as to whether—
- (a) a claim specified by the entitled person is assigned by the assignment document,
  - (b) the registered assignee has granted a further assignment document in respect of the claim, or
  - (c) a condition specified by the entitled person and to which the assignment is subject has been satisfied.
- (2) The following are entitled persons for the purposes of [this section](#)—
- (a) in relation to a request under [subsection \(1\)](#), a person who (depending on who holds the claim) may have a right to execute diligence against the claim, or
  - (b) a person not mentioned in [paragraph \(a\)](#) but who has the consent of the person identified in the entry as the assignor to make a request under [subsection \(1\)](#).

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Moveable Transactions (Scotland) Act 2023, Section 36. (See end of Document for details)*

- (3) For the purposes of [subsection \(2\)\(a\)](#), a person who may have a right to execute diligence against the claim includes a person authorised to execute a charge for payment who (depending on who holds the claim) may have a right to execute diligence against the claim if and when the days of charge expire without payment.
- (4) The registered assignee must, within 21 days beginning with the day of receiving a request under [subsection \(1\)](#), comply with it unless—
  - (a) it is manifest that the registration is ineffective in relation to the assignment of the claim to which the request relates,
  - (b) in the case of a request made under [subsection \(1\)\(a\)](#), it is manifest from the entry for the assignment that the claim specified is not assigned by the assignment document,
  - (c) both—
    - (i) the registered assignee has, within the period of 3 months ending with the day of receipt of the request, complied with a request under the same paragraph of [subsection \(1\)](#) from the same person and in relation to the same claim, and
    - (ii) the information contained in the statement issued in relation to the earlier request remains correct.
- (5) The registered assignee may recover from the entitled person any costs reasonably incurred in complying with the request.
- (6) On the application of the registered assignee, the court may by order—
  - (a) exempt the registered assignee from complying with a request under [subsection \(1\)](#) or such part of the request as it specifies in the order, or
  - (b) extend the period within which the registered assignee must comply with the request by such number of days as it specifies in the order,if satisfied that in all the circumstances it would be reasonable to do so.
- (7) If, on the application of the entitled person, the court is satisfied that the registered assignee has, without reasonable excuse, failed to comply with [subsection \(4\)](#), it may by order require the registered assignee to comply with the request within 14 days or such other period (which may be longer or shorter than 14 days) as the court considers appropriate.
- (8) The Scottish Ministers may by regulations modify [this section](#) so as to specify further persons, or descriptions of persons, who are entitled persons for the purposes of [this section](#).

#### Commencement Information

**II** S. 36 not in force at Royal Assent, see [s. 121\(2\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Moveable Transactions (Scotland) Act 2023, Section 36.