



Consumer Scotland Act 2020

2020 asp 11

PART 1

CONSUMER SCOTLAND

Information-gathering

9 Requirement to provide information to Consumer Scotland

- (1) Consumer Scotland may, by notice, require a person falling within subsection (2)—
 - (a) to provide it with such information as is specified or described in the notice and which it requires for the purpose of exercising its functions, and
 - (b) to do so within such reasonable period as is specified in the notice.
- (2) The persons referred to in subsection (1) are—
 - (a) a designated regulator,
 - (b) a regulated provider,
 - (c) any other person who supplies goods or services in the course of a business carried on by that person,
 - (d) any other person specified, or of a description specified, by the Scottish Ministers by regulations for the purposes of this subsection.
- (3) A notice under subsection (1) may specify the manner and form in which the information is to be provided.
- (4) Before giving a notice under subsection (1), or specifying the manner or form in which information is to be provided, Consumer Scotland must have regard to the desirability of minimising the cost, or any other detriment, to the person to whom the notice is to be given.
- (5) Regulations under subsection (2)(d) may provide either—
 - (a) that section 10 (failure by a designated regulator) is to apply in relation to a person specified, or of a description specified, by the regulations as it applies to a designated regulator, or
 - (b) that section 12 (enforcement by the court) is to apply in relation to such a person.

Status: This is the original version (as it was originally enacted).

- (6) In this section and sections 10 to 12—
- (a) “designated regulator” means a regulator specified by the Scottish Ministers by regulations for the purpose of this subsection,
 - (b) “regulated provider” means a person—
 - (i) who is specified, or of a description specified, as such by the Scottish Ministers by regulations for the purpose of this subsection, and
 - (ii) who is subject to regulation by a designated regulator specified in relation to the person in those regulations.
- (7) Before making regulations under subsection (6), the Scottish Ministers must consult such persons as they consider appropriate.
- (8) Where the Scottish Ministers propose to specify a regulator under subsection (6)—
- (a) who is not currently a designated regulator, or
 - (b) in relation to a person—
 - (i) who is, or is to be, a regulated provider, and
 - (ii) in relation to whom the regulator is not currently the designated regulator,
- the persons consulted under subsection (7) must include the regulator whom they propose to specify.