



# Moveable Transactions (Scotland) Act 2023

2023 asp 3

## PART 2

### SECURITY OVER MOVEABLE PROPERTY

#### CHAPTER 2

##### REGISTER OF STATUTORY PLEDGES

###### *Corrections*

PROSPECTIVE

#### **99 Response to application for correction under [section 98\(6\)](#)**

- (1) The Keeper must accept an application made under [section 98\(6\)](#) if—
  - (a) it conforms to such RSP Rules as relate to the application, and
  - (b) either—
    - (i) such fee as is payable for the application is paid, or
    - (ii) arrangements satisfactory to the Keeper are made for payment of that fee.
- (2) If the requirements of [subsection \(1\)](#) are not satisfied, the Keeper must reject the application and inform the applicant accordingly.
- (3) On accepting an application made under [section 98\(6\)](#), the Keeper must—
  - (a) serve a notice on the registered creditor stating that the Keeper intends to correct the statutory pledges record on a date specified in the notice (being a date no fewer than 21 days after the date of the notice),
  - (b) note on the entry to which the application relates that the application has been received and include in that note—

*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 99. (See end of Document for details)*

- (i) the details of the correction sought, and
    - (ii) the date on which the application was received,
  - (c) issue a written statement to the applicant verifying that the application has been received, and
  - (d) notify the person identified in the entry as the provider (if a different person from the applicant) that the notice mentioned in [paragraph \(a\)](#) has been served on the registered creditor.
- (4) The registered creditor—
- (a) may, before the date specified under [subsection \(3\)\(a\)](#), apply to the court opposing the making of the correction, and
  - (b) on making any such application, must notify the Keeper accordingly.
- (5) Where the registered creditor is not the secured creditor in relation to the statutory pledge in the entry—
- (a) the registered creditor must, in so far as it is reasonable and practicable to do so, promptly notify the secured creditor of the notice received under [subsection \(3\)\(a\)](#), and
  - (b) [subsection \(4\)](#) applies to the secured creditor as it applies to the registered creditor.
- (6) On an application under [subsection \(4\)\(a\)](#), the court may—
- (a) if satisfied that the correction is not justified, direct that no change be made to the record in consequence of the application under [section 98\(6\)](#), or
  - (b) if satisfied that the correction is justified in whole or in part, direct that the record be corrected accordingly.
- (7) But the court is not to make a direction under [subsection \(6\)](#) unless satisfied that, before the date specified by virtue of [subsection \(3\)\(a\)](#), the Keeper received notification under [subsection \(4\)\(b\)](#) of the application to the court.
- (8) If the Keeper does not receive, before the date specified by virtue of [subsection \(3\)\(a\)](#), notification under [subsection \(4\)\(b\)](#) of an application to the court, the Keeper is on that date to make the correction.
- (9) In [this section](#), “registered creditor” has the same meaning as in [section 98](#).

#### Commencement Information

**II** S. 99 not in force at Royal Assent, see [s. 121\(2\)](#)

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