



# Presumption of Death (Scotland) Act 1977

## 1977 CHAPTER 27

### 9 Disclosure of information.

- (1) Any person (including the Secretary of State for Social Services) who possesses information relating to the survival or death of the missing person, and who is aware that an action of declarator has been raised or an application for a variation order has been made, shall have a duty to disclose that information—
  - (a) by means of written communication to the Principal Clerk of Session or, as the case may require, the appropriate sheriff clerk; or
  - (b) in such other manner as may be prescribed by act of sederunt.
- (2) Nothing in this section shall impose any duty to disclose information where the person possessing the information would, if cited as a witness or haver, have been entitled to refuse to disclose such information under any rule of law or practice relating to the privilege of witnesses and havers, confidentiality of communications and withholding or non-disclosure of information on the grounds of public interest.
- (3) A statement purporting to be an instrument made or issued by or on behalf of any Minister of the Crown and disclosing to the court facts relating to an action of declarator which has been raised or an application for a variation order which has been made in that court shall be sufficient evidence of those facts.

**Changes to legislation:**

There are currently no known outstanding effects for the Presumption of Death (Scotland) Act 1977, Section 9.