

The transparency of a debtor's assets on the basis of an enforceable title

AUSTRIA	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: Court; sometimes also bailiffs</p> <p>Inquiries by private institutions are available (e.g. "Kreditschutzverband 1870")</p>	<p>Debtor has to produce an inventory of all assets. A standard form is used.</p>	<p>Court (Sec. 47 (2) Enforcement Code-EO)</p> <p>Bailiff, when attempts to seize moveables were unsuccessful (at the place of the enforcement)</p> <p>creditor has no right to ask the debtor</p>	<p>An unsuccessful execution attempt or when information from third parties (Sec. 294 a EO) were ineffective.</p> <p>Debtor is summoned.</p> <p>In case of nonperformance: fines, arrest, detention (up to six months); penal sanctions</p>	<p>Land register; commercial reg.; reg. of effected distraints; insolvency reg; motor vehicle, ship and aircraft reg; railway reg. are public and accessible online.</p> <p>The court may seek information from social security institutions (Sec. 294a EO) about the employer of the debtor and about other sources of income (Sec. 290a EO);</p>	<p>Declaration of the garnishee (§ 301 EO): employer, banks. The court may request information from social security institutions (§ 294a EO)</p> <p>Garnishee must declare whether he accepts the obligation to pay and whether third persons also claim the debt</p>	<p>Creditor; court;</p> <p>Creditor has no right to ask the garnishee himself;</p> <p>court asks the garnishee ex officio if creditor has made an application for the execution</p>	<p>Inquiries of the garnishee can take place even before the approbation of the execution;</p> <p>Creditor has to allege that the debtor has a claim against the garnishee</p> <p>If the garnishee does not inform the creditor correctly, he must reimburse any damage</p>	<p>Information provided by the garnishee has priority over the information given by the debtor himself;</p> <p>public registers are always accessible</p>

BELGIUM	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
Huissier de Justice (Bailiff)	No obligation to disclose assets in a debtor's declaration.	Not applicable	Not applicable	<p>Bailiff may request social security institutions to provide information about the debtor's employment</p> <p>When requesting the information, Bailiff must present an enforceable title.</p>	<p>-Garnishee is obliged to give information requested</p> <p>Subject matter of declaration covers any information necessary to determine the rights of any party:</p> <p>current balance of bank account, further bank accounts (unless gnm is explicitly limited to a certain account), gnm of competing debtors etc.</p>	Bailiff; Creditor	<p>-Declaration is treated as an acknowledgement;</p> <p>-Garnishee giving an incorrect or false declaration incurs liability in tort; liability depends on the circumstances and the status of the garnishee; the obligation to pay damages can be made valid at the court competent for the attachment</p>	

DENMARK	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: Enforcement Court</p> <p>Private institutions provide information about the Debtor's solvency</p>	<p>The enforcement court holds a hearing in which the debtor must disclose his assets (Sec. 497 Rpl.)</p> <p>Forms are not used; debtor must present documents (e.g. statements of account)</p> <p>the debtor is summoned and must appear personally</p>	<p>Creditor;</p> <p>Court;</p> <p>enforcement organ if necessary to facilitate enforcement</p>	<p>In the hearing the creditor can question the debtor about his assets;</p> <p>Court obtains information on the Debtor's assets if:</p> <p>a) creditor has applied for enforcement,</p> <p>b) debtor did not give sufficient information,</p> <p>c) information can be obtained for the enforcement of provisional measures (arrest, forbud; §§ 631, 646, 497 Rpl.)</p> <p>Sanctions: fines, detention (up to 6 months), arrest by the police; criminal sanctions for false testimony (Secs. 497, 178 Rpl.; 158 et seq. Strfl.).</p>	<p>Land register;</p> <p>commercial register;</p> <p>electronic insolvency register (decentralised, kept by the enforcement courts);</p> <p>motor vehicle, ship and aircraft register</p> <p>Public registers</p>	<p>third parties are heard as witnesses by the enforcem. court; employees of banks are often asked – as the debtor must disclose his assets, banking secrecy does not apply to the extent that the debtor could consent to disclosure.</p>	<p>Court; creditor</p>	<p>Enforcement court;</p> <p>Wide discretion granted to the court concerning the examination of witnesses;</p> <p>Sanctions: detention, fines, arrest by the police, criminal sanctions (§§ 497, 178 Rpl.; §§ 158 ff. Strfl.);</p> <p>Incorrect declaration of the garnishee is treated as acknowledgement</p>	<p>Public registers are available to everybody;</p> <p>No priority of the Debtor's declaration in regard to the hearing of third parties can be stated</p>

FINLAND	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: enforcement matters are concentrated to one bailiff ("responsible bailiff")</p> <p>Inquiries by private institutions are available</p>	<p>Debtor is obliged to give the information needed in the enforcement procedure when asked by the bailiff</p>	<p>Bailiff</p> <p>Creditor who has applied for enforcement has access to the enforcement record kept by the bailiff.</p>	<p>Bailiff has the right to ask the debtor when the enforcement procedure has been initiated according to the enforcement act;</p> <p>Debtor has to give comprehensive information about his personal data and his economic situation and activities;</p> <p>Sanctions: order to come to the bailiff to provide the information and default fines;</p> <p>Penal sanctions in the case of incorrect statement</p>	<p>Land register;</p> <p>Commercial register;</p> <p>Debtor's register;</p> <p>Insolvency register;</p> <p>Motor vehicle, ship and aircraft register;</p> <p>Matrimonial register;</p> <p>Fiscal and social registers (only available to the enforcement organ)</p>	<p>Third parties are obliged to provide the necessary information for the enforcement proceedings when asked by the bailiff</p>	<p>bailiff</p>	<p>Bailiff has the right to ask third parties if the information is necessary for the enforcement;</p> <p>Bailiff considers which information is necessary in casu;</p> <p>Third party has to inform the bailiff about the debtor's property being in his/her possession, about claims which the debtor has against him/her (also basis and amount of the claim), about the debtor's income and about other legal transactions which may be relevant;</p> <p>When asked by the bailiff the third party has to produce the relevant documents</p> <p>Sanctions: fines</p>	<p>Public registers are always available;</p> <p>Debtor's declaration and information from third parties only under the conditions described in previous columns</p>

FRANCE	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: "Huissier de justice"; juge de l'exécution (organ of supervision)</p> <p>Private companies offer information about the Debtor's assets (the fees are approx. € 100-150)</p>	<p>No general obligation on the debtor to disclose his assets.</p> <p>Exception: Garnishment proceedings</p> <p>Debtor must give information about his employer, his bank accounts, but only if a claim up to € 535 (Art. 51 (2) L 9 July 1991) is enforced.</p>	Huissier de justice (L 9 July 1991) summons the debtor	<p>Enforceable title – a provisional measure does not allow the "Huissier de Justice" to request additional information.</p> <p>If the debtor does not disclose his bank account and his employer, the huissier de justice can seek this information in cooperation with the Procureur de la République from central registers (tax or social insurance records).</p> <p>No direct sanction against a debtor who does not disclose the information. In practice, debtors don't disclose any information.</p>	<p>Cadastral and mortgage register; commercial register:</p> <p>Public registers accessible to general public.</p> <p>Administrative bodies and Social Security Organisations (especially motor vehicle register, social insurance records) are only available to the bailiff (huissier). Any request made by the bailiff to tax or social insurance records must be submitted by the Procureur de la République.</p>	The garnishee must disclose any relevant information about the current account seized (Art. 24 of Loi 9 July 1991)	Huissier de justice	<p>Garnishee's declaration must be true and complete with regard to the seized amount;</p> <p>Sanctions: fines; award of damages</p> <p>Problem in practice: often information is not given for reasons of professional confidentiality and for lack of sanctions.</p>	<p>Public registers are always searchable.</p> <p>Debtor's and garnishee's declaration under restricted conditions</p>

GERMANY	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: Enforcement court; bailiff; land registry</p> <p>Inquiries by private institutions are available (e.g. "SCHUFA")</p>	Debtor has to produce an inventory of all assets and make an affirmation in lieu of an oath (§ 807 ZPO)	Bailiff (§ 899 ZPO); Enforcement organ and creditor (§ 900 V ZPO)	<p>Unsuccessful attempt at seizure by the bailiff;</p> <p>Application of the creditor (§ 900 I ZPO);</p> <p>Sanctions: arrest of the debtor (§ 901 ZPO);</p> <p>registration in the list of insolvent debtors (§ 915 ZPO);</p> <p>penal sanctions (§ 156 StGB) in the case of an incorrect statement.</p>	<p>Land register;</p> <p>Commercial register;</p> <p>Not: motor vehicle register, but: "the creditors list" of all persons who make a debtor's declaration.</p> <p>Public registers, open to everybody;</p> <p>In some Federal states online access possible</p>	<p>a) When enforcing against movables, the bailiff may ask any adults in the Debtor's household about the Debtor's employer, sec. 806b ZPO</p> <p>b) in garnishment proceedings the garnishee must inform the creditor about the existence of the debt, its amount, whether other creditors seized the debt, sec. 840 ZPO</p>	Creditor	<p>a) unsuccessful attempt of seizure by the bailiff</p> <p>b) court order</p> <p>sanctions: damage claims against the garnishee (§ 840 II 2 ZPO)</p>	<p>Public registers may be searched;</p> <p>Debtor's declaration and information from third parties only under the conditions described in previous column</p>

GREECE	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: bailiff but much depends on the initiative of the creditor.</p> <p>Private company ("Theiresias") gives information about the Debtor's assets; but: only to certain creditors (banks; leasing and factoring companies; treasury; credit card companies)</p>	<p>Debtor must produce an inventory of assets and make an affirmation in lieu of an oath (Art. 952 ZPO)</p>	<p>Bailiff on application of the creditor</p>	<p>Unsuccessful attempt of seizure by the bailiff; or attachment will probably not satisfy the claim</p> <p>application of the creditor</p> <p>Sanctions: arrest of the debtor</p>	<p>Land register; mortgage register; register of effected distraints; insolvency register; ship and aircraft register</p> <p>Public registers: available to general public. Land registry not available because of practical problems.</p> <p>Creditor may seek the assistance of the public prosecutor.</p>	<p>Garnishee must provide information about the existence of the debt;</p> <p>Employer and social insurance institutions are not bound to give information</p> <p>Until recently, banks did not disclose information because of the banker's secret.</p>	<p>Bailiff; creditor</p>	<p>Application by the creditor is necessary</p> <p>No special sanctions</p>	<p>Public registers may be searched;</p> <p>Private company (Theiresias) is alternative source of information ;</p> <p>No priority given to the Debtor's declaration</p>

IRELAND	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: enforcement court (but: practical responsibility for the effective enforcement of court orders and judgments in Ireland lies substantially with the successful party or judgment creditor)</p> <p>Inquiries by private investigation agents are not uncommon</p>	<p>Debtor can be examined as to his assets by the court (High and Circuit Courts/ District Courts)</p>	<p>No useful distinction can be drawn between the creditor and the court because activity in the Irish system is focussed on the creditor, invoking the power of the court to extract information from the debtor</p>	<p>High and Circuit Courts may order the examination of the debtor on application of the creditor (order 42, r. 36, RSC);</p> <p>The bailiff must have returned "nulla bona" or the creditor must swear that he / she believes that the debtor has no goods.</p> <p>the District Judge may examine the debtor as to his / her means (Order 53, DCR): no monetary limit but only against natural persons and not against legal persons</p> <p>Sanctions: imprisonment for contempt of court; criminal charge</p>	<p>Land Registry and Registry of Deeds (in respect of real property); Companies' Registration Office (CRO); register of ships and of aircrafts</p> <p>judgments searches are possible to establish whether any undischarged judgments are registered against a person; Sheriff's searches are possible to establish whether any unsatisfied execution orders are held in respect of a person</p>	<p>Court may make an order for the attendance and the examination of third persons:</p> <p>third person must provide information as to what, if any and what debt he is owing to the debtor</p>	<p>No useful distinction can be drawn between the creditor and the court because activity in the Irish system is focussed on the creditor, invoking the power of the court to extract information from the debtor</p>	<p>Examination of third parties are in practice very rare.</p> <p>Only possible if information was not available from the primary source</p> <p>Sanctions: imprisonment for contempt of court; criminal charge</p>	<p>Registers may be searched;</p> <p>Information provided by the debtor is given priority to information provided by third parties</p>

ITALY	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: enforcement court</p> <p>Inquiries by private institutions are available and in practice very common</p>	<p>Debtor has no duty to disclose his assets</p>	<p>Not applicable</p>	<p>Not applicable</p>	<p>Land register (local), commercial register (accessible online);</p> <p>Reg. of effected distraints and enforcement; insolvency reg; motor vehicle register; available for enforcement court</p> <p>Tax register (only open to state creditors)</p> <p>Central register of current accounts and bank depots (open only in relation to criminal inquiries)</p>	<p>Generally third parties have no duty to give information on the Debtor's assets;</p> <p>exception: garnishee's declaration</p> <p>-Garnishee must indicate the current balance of the account, additional accounts of the debtor, gnms of competing creditors and raise any objections against the debtor's claim;</p> <p>garnishee must indicate ancillary rights;</p>	<p>Garnishee's declaration is delivered personally to the judge</p>	<p>Garnishee must make declaration about current balance of account, further bank accounts of the debtor and garnishments of competing creditors</p> <p>Sanctions:</p> <p>-Declaration is treated as an acknowledgement</p> <p>- Garnishee is liable for incorrect/ missing declaration</p>	<p>Public registers may be searched;</p> <p>Tax register and bank register are available under the conditions previously described</p>

LUXEMBURG	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: bailiff</p> <p>Inquiries by private institutions are not available</p>	The debtor has no duty to disclose his assets	Not applicable.	Not applicable.	<p>Public registers: Land register; mortgage register; commercial register;</p> <p>motor vehicle register available to the creditor ;</p> <p>social security register is only available if the creditor presents a title</p>	<p>Third parties (banks) must disclose the debtor's assets (accounts) held in branches within Luxemburg</p> <p>-Declaration includes ancillary rights and gnms of competing creditors</p>	Creditor who must summon ("assigner") the third debtor	<p>Employers and banks have to give information about the Debtor's claims which are subject to the enforcement;</p> <p>application by the creditor is necessary;</p> <p>Sanctions: third party is liable for damage caused by incorrect declaration</p>	<p>Public registers may be searched;</p> <p>Employer and banks must provide information under the conditions described previously.</p>

NETHERLANDS	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: bailiff</p> <p>Inquiries by private institutions are available (<i>Bureau of Krediet Registratie</i>); but: access only to financial and official institutions which are allowed to issue credits</p>	No obligation of the debtor to disclose his assets	Not applicable	Not applicable	<p>land register;</p> <p>companies register;</p> <p>insolvency register;</p> <p>ship and airplane registers;</p> <p>matrimonial register</p> <p>Public registers; available to general public</p> <p>Enforcement organ has direct access to social insurances data bases</p>	<p>-Bailiff requests garnishee to provide information about the account in an extra-judicial declaration</p> <p>-Object of garnishee's declaration: current balance; liens and securities are to be mentioned; declaration includes counterclaims that might be balanced; other gnms against the same account</p>	<p>Bailiff ("gerechtsdeurwaarder")</p> <p>enforcement organ may request information from anyone who owes money to the debtor (used in practice to obtain information from banks at which it is thought that the debtor may have an account)</p>	<p>Employer provides information only with the consent of the debtor;</p> <p>-Garnishee's declaration not treated as an acknowledgement</p> <p>-If garnishee fails to make declaration, he must compensate the amount seized as if he himself was the debtor plus additional damages; non-faultive liability</p>	<p>Public registers are always available;</p> <p>Information given by third parties is available under the conditions previously described</p>

PORTUGAL	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: bailiff, enforcement court</p> <p>Inquiries by private institutions are not available; but: the "office of centralisation of credit risks" provides information to banks about persons who seek credit</p>	Debtor has to indicate his distrainable goods (art. 833 Nr. 5 CPC)	enforcement organ; court	<p>Condition: unsuccessful attempt of seizure by the bailiff;</p> <p>Sanction: fine (art. 833 Nr. 7 CPC)</p>	<p>1. Public registers: Land reg; commercial reg; insolvency reg; motor vehicle, ship, aircraft reg.</p> <p>2. Non-public registers: Reg of effected distrains and enforcements is (online) available to the bailiff, (sec. 807 Nr. 3 CPC)</p> <p>Fiscal administration; social insurance institutions</p> <p>Bailiff needs permission of the court before requesting confidential information from non-public registers</p>	<p>Employer; banks;</p> <p>Bailiff requests garnishee to make declaration if gnm affected several claims/ accounts, garnishee must provide information about any seized claim;</p> <p>declaration includes ancillary rights, objections against the claim and gnms of competing creditors</p>	<p>Only the enforcement organ (bailiff) may seek information from third parties;</p> <p>Creditor can apply to the enforcement organ (bailiff) to demand additional information necessary to find the Debtor's distrainable goods</p>	<p>-Declaration is treated as an acknowledgement, art. 820 CPC</p> <p>-Failure to make a declaration is deemed to be an acknowledgement</p> <p>- Garnishee is liable for damages caused by an incorrect declaration (based on fault)</p>	<p>Public registers are always available;</p> <p>Information given by the debtor has no priority in relation to information obtained from third parties</p> <p>Recent law reforms introduced electronic registers of effected enforcements</p>

SPAIN	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Court (Art. 117 Spanish Constitution)</p> <p>Private investigators are often engaged by the creditors and their counsels.</p>	Debtor must disclose his assets (art. 589 LEC)	Court, creditor	<p>Enforceable title (not provisional measures)</p> <p>debtor has not disclosed assets sufficiently;</p> <p>court summons the debtor on its own motion or on application of the creditor</p> <p>Sanctions: fines (between 180 € and 6.000 €); penal sanctions (imprisonment between 6 months and a year)</p>	<p>Land register (local and central reg); commercial reg; motor vehicle reg.; reg of movable goods: public registers; online access available</p> <p>Revenue Office; Social Insurance Institutions may be requested by the court</p>	<p>No specific regulation of the third debtor's declaration, but third parties must disclose any information requested by the enforcement judge</p> <p>Employer; banks are regularly requested</p>	Court; creditor	<p>In the first instance, the creditor is to get the information from third parties;</p> <p>the court supports the creditor if he does not get the information himself;</p> <p>Art. 591 LEC establishes the duty of third parties to collaborate with the court</p> <p>Sanctions: fines</p>	<p>Public registers are always available;</p> <p>Inquiries by the enforcement court presuppose that the creditor was unable to find out the whereabouts of the debtor's assets</p>

SWEDEN	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
<p>Enforcement organ: national enforcement authority (KFM) which is independent from the courts</p> <p>Inquiries by private "credit information" companies are available (e.g. Intrum- Justitia and Upplysningscentralen, UC)</p>	Debtor must provide information on request of the enforcement authority.	<p>Creditor has a right to view records of the Enforcement Authority;</p> <p>Enforcement Agency has wide investigation powers (e.g. regarding the settlement of undisputed claims, the clearing of debts, the supervision of bankruptcy)</p>	<p>Information must be necessary for a hearing or another legal matter;</p> <p>Restrictions of the Law of Confidentiality (October 2001) have to be observed; if information is used incorrectly, the debtor may have a claim;</p> <p>sanctions: fines, detention of the debtor</p>	<p>Public Registers: Land reg.; commercial reg; insolvency reg; motor vehicle, shipping and aircraft reg; matrimonial reg; securities reg;</p> <p>Accounting System for the Enforcement Authorities (central computer base containing all public and private claims of debtors in Sweden)</p> <p>Social welfare office gives information about the debtor's employment and other allowances.</p>	third parties must generally provide information (Ch. 4, § 15 Enf. Code): employer, banks, revenue offices, pension- and social insurance agencies, social welfare office, private insurance companies	Enforcement Authority	<p>the requested information must be relevant for the enforcement (e.g. information about the Debtor's financial dealings or about his distrainable property);</p> <p>sanctions: fines, imprisonment of the third party (but seldom used)</p>	<p>Public registers are always available;</p> <p>The debtor is investigated first by the Enforcement Authority</p> <p>No priority in relation to the other sources of information</p>

UK - England / Wales	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
	<p>Debtor may be interrogated by the court as to his assets (RSC Ord 48; CPR, r.71.2)</p> <p>Debtor must answer a form and swear an affidavit</p> <p>- Court has also the power to make a disclosure order against the solicitor or accountant of the debtor</p>	<p>Court; hearing may be conducted by a senior clerk or by representative of the judgment creditor</p> <p>Debtor is cross-examined</p>	<p>The debtor is required to attend an oral hearing at which he may be cross-examined under oath and must bring with him any relevant documents</p> <p>Sanctions: fines or imprisonment (not exceeding 2 years) for contempt of court</p> <p>- disclosure order against the debtors representatives are made if the debtor refuses to provide voluntarily the requested information</p>	<p>Public registers: Land registry (but no disclosure of which property a particular person owns); Companies' register; ship and airplane register</p> <p>The court may request tax offices and pension and insurance agencies (as any third party) for the disclosure of additional information</p> <p>Limits: whether the production of documents would be injurious to the public interest</p>	<p>- Third party debt order</p> <p>-Court requests bank to make declaration within 7 days</p> <p>-Bank must identify all accounts held with it, give detailed information for each account (number; balance if insufficient to cover amount specified in order, ancillary rights, objections, competing garnishments)</p>	<p>Creditor through a court order</p> <p>Party claiming a court order must give an undertaking not to use the information other than in the course of the proceedings</p>	<p>Positive declaration has effect as acknowledgement, if order is made absolute based on the declaration</p> <p>-Objections not contained in declaration can still be asserted during hearing</p> <p>-As an exception, a bank's failure to make a declaration is not deemed to be an acknowledgement</p> <p>-No special provision for claims for damages in case of incorrect declaration (but general tort law may apply)</p>	

UK - Scotland	Debtor's declaration	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Information from registers	Third parties	Who gets the information: creditor, court, enforcement organ	Conditions Sanctions	Sequence
No non-public data sources open to creditors	No duty of debtor to disclose assets; under debate whether to introduce such a duty	N.A.	N.A.	Land Reg., Companies Reg., Bankruptcy Reg., Airplane Reg., Ship Reg Public access on application	If debtor receives degree on action of forthcoming (second step of garnishment procedure), arrestee (bank) must indicate whether arrestment has been successful	Creditor	decree on action of forthcoming	