

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

*Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Section 100 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Tribunals, Courts and Enforcement Act 2007

## 2007 CHAPTER 15

### PART 4

#### ENFORCEMENT OF JUDGMENTS AND ORDERS

##### *Information requests and orders*

PROSPECTIVE

#### **100 Information order: required information not held etc.**

- (1) An information discloser is not to be regarded as having breached an information order because of a failure to disclose some or all of the required information, if that failure is for one of the permitted reasons.
- (2) These are the permitted reasons—
  - (a) the information provider does not hold the information;
  - (b) the information provider is unable to ascertain whether the information is held, because of the way in which the information order identifies the debtor;
  - (c) the disclosure of the information would involve the information discloser in unreasonable effort or expense.
- (3) It is to be presumed that a failure to disclose required information is for a permitted reason if—
  - (a) the information discloser gives the relevant court a certificate that complies with subsection (4), and
  - (b) there is no evidence that the failure is not for a permitted reason.
- (4) The certificate must state—
  - (a) which of the required information is not being disclosed;

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- (b) what the permitted reason is, or permitted reasons are, for the failure to disclose that information.
- (5) Any reference in this section to the information discloser holding, or not holding, information includes a reference to the information being held, or not being held, on the information discloser's behalf.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)