



Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

PART 5

MISCELLANEOUS AND GENERAL

60 Application of this Act to sequestration for rent and arrestment

^{F1}(1)

(2) It is not competent for [^{F2}the landlord's] hypothec to arise in any article—

(a) of the type described in section 11(1); or

^{F3}(b)

(3) An arrestment (other than an arrestment of a debtor's earnings in the hands of the debtor's employer) of any article of the type mentioned in paragraph (a) or (b) of subsection (2) above is incompetent.

^{F4}(4)

^{F5}(5)

Textual Amendments

- F1** S. 60(1) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 6 Pt. 1](#) (with s. 223); S.S.I. 2008/115, art. 3(2)(3), [Sch. 2](#) (with arts. 4-691015) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)
- F2** Words in s. 60(2) substituted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 5 para. 30\(14\)](#) (with s. 223); S.S.I. 2008/115, art. 3(2)(3), [Sch. 1](#) (with arts. 4-61015) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)
- F3** S. 60(2)(b) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 6 Pt. 1](#) (with s. 223); S.S.I. 2008/115, art. 3(2)(3), [Sch. 2](#) (with arts. 4-691015) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)

Changes to legislation: There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Part 5. (See end of Document for details)

- F4** S. 60(4) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 6 Pt. 1](#) (with s. 223); S.S.I. 2008/115, art. 3(2)(3), [Sch. 2](#) (with arts. 4-691015) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)
- F5** S. 60(5) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 6 Pt. 1](#) (with s. 223); S.S.I. 2008/115, art. 3(2)(3), [Sch. 2](#) (with arts. 4-691015) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)

[^{F6}60A Electronic signatures

- (1) This section applies where—
 - (a) a report or declaration under this Act requires to be signed; and
 - (b) provision is made by virtue of this Act or any other enactment permitting the report or declaration to be an electronic communication.
- (2) Where the report or declaration is an electronic communication, the requirement is satisfied by a certified electronic signature.
- (3) Subsection (2) above is to be read in accordance with section 7(2) and (3) of the Electronic Communications Act 2000 (c. 7) (electronic signatures and certification).]

Textual Amendments

- F6** S. 60A inserted (31.3.2007) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), [ss. 212\(15\)](#), [227\(3\)](#) (with s. 223); S.S.I. 2007/82, art. 4(b)

61 Minor and consequential amendments and repeals

Schedule 3 to this Act (which contains minor amendments, amendments consequential upon the provisions of this Act and repeals) has effect.

62 Regulations and orders

- (1) Any power of the Scottish Ministers under this Act to make an order or regulations is exercisable by statutory instrument.
- (2) Any such power includes power to make—
 - (a) different provision for different cases and for different classes of case; and
 - (b) such incidental, supplementary, consequential, saving or transitional provision as the Scottish Ministers think necessary or expedient.
- (3) A statutory instrument containing an order (other than an order made under section 47, 60 or 64 of this Act) or regulations (other than [^{F7}any regulations containing provision of the kind mentioned in section 7(2)(bd), any regulations containing provision of the kind mentioned in section 7(2)(ub)] or regulations made under section 7A above) made under this Act is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) A statutory instrument containing [^{F8}any regulations containing provision of the kind mentioned in section 7(2)(bd), any regulations containing provision of the kind mentioned in section 7(2)(ub)] [^{F9}, any regulations made under section 7A above]

Changes to legislation: There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Part 5. (See end of Document for details)

or any order made under section 47 above shall not be made unless a draft of the instrument is laid before, and approved by a resolution of, the Scottish Parliament.

Textual Amendments

- F7** Words in s. 62(3) substituted (30.6.2014) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), **Sch. 3 para. 38(a)**; S.S.I. 2014/172, art. 2, Sch. (with art. 3)
- F8** Words in s. 62(4) substituted (30.6.2014) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), **Sch. 3 para. 38(b)**; S.S.I. 2014/172, art. 2, Sch. (with art. 3)
- F9** Words in s. 62(4) inserted (8.3.2007) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 211(4)(b), 227(3)** (with s. 223); S.S.I. 2007/82, art. 3(a)

63 Crown application

This Act binds the Crown acting in its capacity as a creditor or employer.

64 Short title and commencement

- (1) This Act may be cited as the Debt Arrangement and Attachment (Scotland) Act 2002.
- (2) Subject to subsections (3) and (4) below, this Act (except this section and sections 43 and 62 above) comes into force on 30 December 2002.
- (3) Any power conferred by this Act to make provision by Act of Sederunt is exercisable from Royal Assent.
- (4) Sections 1 to 9 above come into force on such day as the Scottish Ministers may by order appoint.
- (5) An order under subsection (4) above may appoint different days for different purposes.

Changes to legislation:

There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Part 5.