

## SCHEDULES

### SCHEDULE 7

#### TRANSITIONAL PROVISIONS (SCOTLAND)

- 1 The following provisions of the Act of 1938 and of Part I of this Act shall, to the extent specified in this paragraph, have effect in relation to hire-purchase agreements to which the Act of 1938 applies, whether made before or after the commencement of this Act, and in relation to conditional sale agreements to which section 21 of this Act applies, whether made before or after the commencement of this Act, that is to say—
- (a) section 9 of the Act of 1938, so far as it relates to payments made after the commencement of this Act,
  - (b) sections 11 and 15 of the Act of 1938, so far as they relate to the recovery of possession of goods after the commencement of this Act, otherwise than in pursuance of a decree pronounced in an action commenced before the commencement of this Act,
  - (c) sections 12, 13, 13A, 14, 15 and 19A(1) of the Act of 1938, so far as they relate to actions commenced after the commencement of this Act,
  - (d) section 19 of the Act of 1938, so far as it relates to section 11, 12 or 15 of that Act,
  - (e) section 15 of this Act, except in relation to a default committed before the commencement of this Act,
  - (f) sections 16 and 17 of this Act, except where the hirer or buyer has died before the commencement of this Act, and
  - (g) sections 18 and 19 of this Act, so far as they relate to actions begun after the commencement of this Act.
- 2 Except as provided by the last preceding paragraph, the Act of 1938, Part I of this Act, section 25(4) of this Act, and section 34(2) of this Act in so far as it repeals any enactment contained in the Hire Purchase and Small Debt (Scotland) Act 1932 or the Hire-Purchase Act 1954 or the Credit-Sale Agreements (Scotland) Act 1961, shall not have effect in relation to any hire-purchase agreement, credit-sale agreement or conditional sale agreement made before the commencement of this Act.
- 3 (1) The following provisions of the Act of 1938 and of Part I of this Act shall, to the extent specified in this paragraph, have effect in relation to hire-purchase agreements of a class to which the Act of 1938 applies by virtue only of an Order in Council made under section 1(2) of the Act of 1938, and in relation to conditional sale agreements of a class to which section 21 of this Act applies by virtue only of such an Order.—
- (a) section 9 of the Act of 1938, so far as it relates to payments made after the date on which that Order comes into operation,
  - (b) sections 11 and 15 of the Act of 1938, so far as they relate to the recovery of possession of goods after the date on which that Order comes into operation,

*Status: This is the original version (as it was originally enacted).*

- (c) sections 12, 13, 13A, 14, 15 and 19A(1) of the Act of 1938, so far as they relate to actions commenced after the date on which that Order comes into operation,
  - (d) section 19 of the Act of 1938, so far as it relates to section 11, 12 or 15 of that Act,
  - (e) section 15 of this Act, except in relation to a default committed before the date on which that Order comes into operation,
  - (f) sections 16 and 17 of this Act, except where the hirer or buyer has died before the date on which that Order comes into operation, and
  - (g) sections 18 and 19 of this Act, so far as they relate to actions begun after the date on which that Order comes into operation.
- (2) The preceding sub-paragraph shall apply to any such agreement as is therein mentioned, whether the agreement was made before, on or after the date on which the Order comes into operation.
- 4 Except as provided by the last preceding paragraph, the Act of 1938 and Part I of this Act shall not have effect in relation to any hire-purchase agreement, credit-sale agreement or conditional sale agreement which—
- (a) is of a class to which the Act of 1938 or, as the case may be, section 21 of this Act, applies by virtue only of such an Order in Council as is mentioned in the last preceding paragraph, and
  - (b) is made before the date on which that Order comes into operation.
- 5 (1) For the purposes of this Schedule—
- (a) section 21(1) of the Act of 1938 shall have effect as it has effect for the purposes of that Act;
  - (b) section 21(3) of this Act shall have effect as it has effect for the purposes of Part I of this Act.
- (2) In this Schedule, the expression " the Act of 1938 " has the meaning assigned to it by section 25(5) of this Act; references to Part I of this Act are references to such of the provisions of that Part as are extended to Scotland by section 26 of this Act; and any reference to those provisions, or to any of them, shall be construed as a reference to those provisions, or, as the case may be, that provision, as so extended.

#### TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Small Debt (Scotland) Act 1837	7 Will. 4 & 1 Vict. c. 41.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Factors Act 1889	52 & 53 Vict. c. 45.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Factors (Scotland) Act 1890	53 & 54 Vict. c. 40.
Sale of Goods Act 1893	56 & 57 Vict. c. 71.
Law of Distress Amendment Act 1908	8 Edw. 7. c. 53.
Bankruptcy Act 1914	4 & 5 Geo. 5. c. 59.
Administration of Estates Act 1925	15 & 16 Geo. 5. c. 23.

---

*Status: This is the original version (as it was originally enacted).*

---

Short Title	Session and Chapter
Hire Purchase and Small Debt (Scotland) Act 1932	22 & 23 Geo. 5. c. 38.
Hire-Purchase Act 1938	1 & 2 Geo. 6. c. 53.
Hire-Purchase Act 1954	2 & 3 Eliz. 2. c. 51.
Advertisements (Hire-Purchase) Act 1957	5 & 6 Eliz. 2. c. 41.
County Courts Act 1959	7 & 8 Eliz. 2. c. 22.
Credit Sale Agreements (Scotland) Act 1961	9 & 10 Eliz. 2. c. 56.