

DEBT ARRANGEMENT AND ATTACHMENT (SCOTLAND) ACT 2002

EXPLANATORY NOTES

THE ACT

Part 5 – Miscellaneous and General

Section 60 – Application of this Act to sequestration for rent and arrestment

114. This section provides that certain provisions of the Act apply to other methods of enforcement namely some types of arrestment and a landlord's right of hypothec and its enforcement by a sequestration for rent. In particular the articles exempt from attachment under Section 11(1) or Schedule 1 are similarly exempt under these other methods of enforcement.

Section 61 – Minor and consequential amendments and repeals

115. This section makes provision for Schedule 3, which provides for necessary minor and consequential amendments to and repeals of existing legislation, to have effect.

Section 62 – Regulations and orders

116. This section provides that, where the Act gives the Scottish Ministers power to make an order or regulations, such power will be exercisable by statutory instrument subject to negative resolution procedure apart from those specified in Section 62(3). This provides that the first regulations made in relation to debt payment programmes under section 7 of the Act will be subject to an affirmative resolution, as will any order made under Sections 47,60 or 64 of the Act.

Section 63 – Crown application

117. This section provides for application of the Act to the Crown acting in its capacity as a creditor or employer.

Section 64 – Short title and commencement

118. This section provides for commencement of the Act on 30 December 2002, with the exception of sections 43 and 62. Powers conferred by the Act to make rules of court will be come into force upon Royal Assent to enable them to be in place in advance of the commencement of the rest of the Act. Sections 1 to 9, regarding the debt arrangement scheme, will be brought into force on a day to be appointed by the Scottish Ministers.