



Moveable Transactions (Scotland) Act 2023 2023 asp 3

PART 2 **S**

SECURITY OVER MOVEABLE PROPERTY

CHAPTER 1 **S**

PLEDGE

PROSPECTIVE

Liability for loss due to enforcement

79 **Liability for loss suffered by virtue of enforcement** **S**

- (1) A person (“P”) is entitled to be compensated by a secured creditor for loss suffered in consequence of the secured creditor’s failure to comply with any obligation imposed on the secured creditor by any provision of [sections 64 to 78](#).
- (2) But the secured creditor has no liability under [subsection \(1\)](#)—
 - (a) in so far as P’s loss could have been avoided had P taken measures which it would have been reasonable for P to take, or
 - (b) in so far as P’s loss was not reasonably foreseeable.

Commencement Information

- II** S. 79 not in force at Royal Assent, see [s. 121\(2\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Moveable Transactions (Scotland) Act 2023, Cross Heading: Liability for loss due to enforcement.