



# Moveable Transactions (Scotland) Act 2023

2023 asp 3

## PART 3

### MISCELLANEOUS AND GENERAL

#### *General*

#### **118 Regulations**

- (1) Any power of the Scottish Ministers to make regulations under this Act includes the power to make—
  - (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
  - (b) different provision for different purposes.
- (2) Regulations under any of the following sections are subject to the affirmative procedure: ~~section 18(2), 28(3), 36(8), 47(3), 50(4), 54(3), 85(4), 87(8), 91(7), 107(8) or 120(3).~~
- (3) Regulations under section ~~74(9)(b), 75(7)(b) or 119~~ which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.
- (4) Any other regulations under this Act are subject to the negative procedure.
- (5) [This section](#) does not apply to regulations under [section 121](#).

#### **Commencement Information**

- II** S. 118 in force at 14.6.2023, see [s. 121\(1\)](#)

#### **119 Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for

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the purposes of, in connection with or for giving full effect to this Act or any provision made under it.

(2) Regulations under [this section](#) may modify any enactment (including this Act).

#### Commencement Information

**I2** S. 119 in force at 14.6.2023, see [s. 121\(1\)](#)

PROSPECTIVE

## 120 Interpretation of Act

- (1) In this Act (except where the context requires otherwise)—
- “court” means Court of Session or sheriff,
  - “electronic document” has the meaning given by section 9A of the Requirements of Writing (Scotland) Act 1995,
  - “electronic signature” has the meaning given by section 12(1) of the Requirements of Writing (Scotland) Act 1995,
  - “the Keeper” means the Keeper of the Registers of Scotland,
  - “prescribed” means prescribed by regulations made by the Scottish Ministers,
  - “registration number” means a unique identifier consisting of numerals or of letters and numerals, and
  - “traditional document” has the meaning given by section 1A of the Requirements of Writing (Scotland) Act 1995.
- (2) In this Act, a reference (however expressed) to—
- (a) the authentication of a document by a person is a reference to the electronic signature of that person—
    - (i) being incorporated into, or logically associated with, the electronic document, and
    - (ii) having been created by that person,
  - (b) the execution of a document is a reference to the document’s being subscribed as a traditional document in compliance with section 2(1) of the Requirements of Writing (Scotland) Act 1995.
- (3) The Scottish Ministers may by regulations modify (either or both) paragraph (a) or paragraph (b) of subsection (2).
- (4) Where, under or by virtue of a provision of this Act, however expressed, a person (“P”) is required or permitted to proceed in some way, the provision is to be construed as if any reference in it to P includes a reference to any person authorised by P to proceed in such a way on P’s behalf.

#### Commencement Information

**I3** S. 120 not in force at Royal Assent, see [s. 121\(2\)](#)

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## 121 Commencement

- (1) [This section](#) and sections [118](#), [119](#) and [122](#) come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under [this section](#) may—
  - (a) include transitional, transitory or saving provision,
  - (b) make different provision for different purposes.

### Commencement Information

**14** S. 121 in force at 14.6.2023, see [s. 121\(1\)](#)

## 122 Short title

The short title of this Act is the Moveable Transactions (Scotland) Act 2023.

### Commencement Information

**15** S. 122 in force at 14.6.2023, see [s. 121\(1\)](#)

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**Changes to legislation:**

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