



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), 65(8), 67(8), 74(9), 75(7), 77(10), 85(1), 87(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](#).

119 Ancillary provision

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

Status: This is the original version (as it was originally enacted).

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.

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.

122 Short title

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