



Moveable Transactions (Scotland) Act 2023

2023 asp 3

PART 1

ASSIGNATION

CHAPTER 1

ASSIGNATION OF CLAIMS, PROTECTION OF DEBTORS AND RELATED MATTERS

Abolition of certain rules of law

PROSPECTIVE

17 Abolition of certain rules of law

- (1) The following rules of law are abolished insofar as they apply to an assignment of a claim to which [this Part](#) applies—
- (a) any rule whereby a mandate may operate as an assignment of a claim,
 - (b) any rule whereby an assignment is rendered ineffective by an instruction to the debtor by an assignee of a claim that the debtor perform to the assignor,
 - (c) any rule whereby an assignee of a claim may sue in the name of an assignor, and
 - (d) any rule as to warrandice to be implied—
 - (i) in assigning a claim, or
 - (ii) in providing, in a contract or unilateral undertaking, for the assignment of a claim.
- (2) But [subsection \(1\)\(c\)](#) does not affect the application of any enactment, or any rule of law, as respects subrogation.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Moveable Transactions (Scotland) Act 2023, Section 17. (See end of Document for details)

Commencement Information

II S. 17 not in force at Royal Assent, see [s. 121\(2\)](#)

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