



# Debt Arrangement and Attachment (Scotland) Act 2002

## 2002 asp 17

### PART 5

#### MISCELLANEOUS AND GENERAL

#### 60 Application of this Act to sequestration for rent and arrestment

- <sup>F1</sup>(1) .....
- (2) It is not competent for [<sup>F2</sup>the landlord's] hypothec to arise in any article—
- (a) of the type described in section 11(1); or
- <sup>F3</sup>(b) .....
- (3) An arrestment (other than an arrestment of a debtor's earnings in the hands of the debtor's employer) of any article of the type mentioned in paragraph (a) or (b) of subsection (2) above is incompetent.
- <sup>F4</sup>(4) .....
- <sup>F5</sup>(5) .....

#### Textual Amendments

- F1** S. 60(1) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 6 Pt. 1](#) (with s. 223); S.S.I. 2008/115, art. 3(2)(3), [Sch. 2](#) (with arts. 4-691015) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)
- F2** Words in s. 60(2) substituted (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 5 para. 30\(14\)](#) (with s. 223); S.S.I. 2008/115, art. 3(2)(3), [Sch. 1](#) (with arts. 4-61015) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)
- F3** S. 60(2)(b) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 6 Pt. 1](#) (with s. 223); S.S.I. 2008/115, art. 3(2)(3), [Sch. 2](#) (with arts. 4-691015) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)

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*Changes to legislation: There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Part 5. (See end of Document for details)*

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- F4** S. 60(4) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 6 Pt. 1](#) (with s. 223); S.S.I. 2008/115, art. 3(2)(3), Sch. 2 (with arts. 4-691015) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)
- F5** S. 60(5) repealed (1.4.2008) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 6 Pt. 1](#) (with s. 223); S.S.I. 2008/115, art. 3(2)(3), Sch. 2 (with arts. 4-691015) (as amended: (23.2.2009) by [S.S.I. 2009/67](#), art. 7; (31.1.2011) by [S.S.I. 2011/31](#), art. 5(a); and (4.10.2014) by [S.S.I. 2014/173](#), arts. 1(2), 3)

## [<sup>F6</sup>60A Electronic signatures

- (1) This section applies where—
  - (a) a report or declaration under this Act requires to be signed; and
  - (b) provision is made by virtue of this Act or any other enactment permitting the report or declaration to be an electronic communication.
- (2) Where the report or declaration is an electronic communication, the requirement is satisfied by a certified electronic signature.
- (3) Subsection (2) above is to be read in accordance with section 7(2) and (3) of the Electronic Communications Act 2000 (c. 7) (electronic signatures and certification).]

### Textual Amendments

- F6** S. 60A inserted (31.3.2007) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), [ss. 212\(15\)](#), 227(3) (with s. 223); S.S.I. 2007/82, art. 4(b)

## 61 Minor and consequential amendments and repeals

Schedule 3 to this Act (which contains minor amendments, amendments consequential upon the provisions of this Act and repeals) has effect.

## 62 Regulations and orders

- (1) Any power of the Scottish Ministers under this Act to make an order or regulations is exercisable by statutory instrument.
- (2) Any such power includes power to make—
  - (a) different provision for different cases and for different classes of case; and
  - (b) such incidental, supplementary, consequential, saving or transitional provision as the Scottish Ministers think necessary or expedient.
- (3) A statutory instrument containing an order (other than an order made under section 47, 60 or 64 of this Act) or regulations (other than [<sup>F7</sup>any regulations containing provision of the kind mentioned in section 7(2)(bd), any regulations containing provision of the kind mentioned in section 7(2)(ub)] or regulations made under section 7A above) made under this Act is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) A statutory instrument containing [<sup>F8</sup>any regulations containing provision of the kind mentioned in section 7(2)(bd), any regulations containing provision of the kind mentioned in section 7(2)(ub)] [<sup>F9</sup>, any regulations made under section 7A above]

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*Changes to legislation:* There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Part 5. (See end of Document for details)

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or any order made under section 47 above shall not be made unless a draft of the instrument is laid before, and approved by a resolution of, the Scottish Parliament.

#### **Textual Amendments**

- F7** Words in s. 62(3) substituted (30.6.2014) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), **Sch. 3 para. 38(a)**; S.S.I. 2014/172, art. 2, Sch. (with art. 3)
- F8** Words in s. 62(4) substituted (30.6.2014) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), **Sch. 3 para. 38(b)**; S.S.I. 2014/172, art. 2, Sch. (with art. 3)
- F9** Words in s. 62(4) inserted (8.3.2007) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), **ss. 211(4)(b), 227(3)** (with s. 223); S.S.I. 2007/82, art. 3(a)

### **63 Crown application**

This Act binds the Crown acting in its capacity as a creditor or employer.

### **64 Short title and commencement**

- (1) This Act may be cited as the Debt Arrangement and Attachment (Scotland) Act 2002.
- (2) Subject to subsections (3) and (4) below, this Act (except this section and sections 43 and 62 above) comes into force on 30 December 2002.
- (3) Any power conferred by this Act to make provision by Act of Sederunt is exercisable from Royal Assent.
- (4) Sections 1 to 9 above come into force on such day as the Scottish Ministers may by order appoint.
- (5) An order under subsection (4) above may appoint different days for different purposes.

**Changes to legislation:**

There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Part 5.