



Moveable Transactions (Scotland) Act 2023

2023 asp 3

PART 1

ASSIGNATION

CHAPTER 1

ASSIGNATION OF CLAIMS, PROTECTION OF DEBTORS AND RELATED MATTERS

PROSPECTIVE

Abolition of certain rules of law

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 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: Abolition of certain rules of law. (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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