



# Moveable Transactions (Scotland) Act 2023

2023 asp 3

## PART 1

### ASSIGNATION

#### CHAPTER 1

##### ASSIGNATION OF CLAIMS, PROTECTION OF DEBTORS AND RELATED MATTERS

###### *Protection of debtors*

PROSPECTIVE

#### **12 Performance in good faith where claim assigned cannot be transferred by intimation**

- (1) **Subsection (2)** applies where—
  - (a) by virtue only of being of a type prescribed under **section 3(8)**, a claim in respect of which an assignment document is granted is not transferred, and
  - (b) the debtor, or any co-debtor, performs in good faith to the assignee.
- (2) The debtor, or (where there are two or more co-debtors) each of the co-debtors, is discharged from the claim to the extent of the performance.
- (3) For the purposes of **subsection (1)(b)**, a debtor, or co-debtor, is not to be taken to perform in good faith where that debtor or co-debtor knows—
  - (a) that the assignment document has not been registered, and
  - (b) that transfer of the claim requires registration.

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**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 12. (See end of Document for details)

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#### **Commencement Information**

**II** S. 12 not in force at Royal Assent, see [s. 121\(2\)](#)

**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 12.