



# 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.

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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 17. (See end of Document for details)

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#### **Commencement Information**

**II** S. 17 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 17.