



Moveable Transactions (Scotland) Act 2023

2023 asp 3

PART 1

ASSIGNATION

CHAPTER 1

ASSIGNATION OF CLAIMS, PROTECTION OF DEBTORS AND RELATED MATTERS

Assignment of claims

PROSPECTIVE

8 Intimation of the assignment of a claim

- (1) For the purposes of [section 3\(2\)\(b\)\(i\)](#), intimation is effected only—
 - (a) by the assignor or the assignee serving notice of the assignment on the debtor, or
 - (b) on the occurrence either—
 - (i) of the debtor acknowledging to the assignee that the claim is assigned, or
 - (ii) of intimation to the debtor, in judicial proceedings to which the debtor is a party, that the assignment is founded on in the proceedings.
- (2) Where there are co-debtors in respect of a claim, intimation as respects any one or more of them is, for the purposes of [section 3\(2\)\(b\)\(i\)](#), intimation to them all.
- (3) A notice served under [subsection \(1\)\(a\)](#)—
 - (a) must—
 - (i) set out the name and address of both the assignor and the assignee,
 - (ii) provide details of the claim assigned, and

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 8. (See end of Document for details)

- (iii) in the case of a claim assigned in part, provide details of the part assigned,
- (b) must be in writing and consist of, or be contained within, one or more documents,
 - (c) need not be executed or authenticated, and
 - (d) if the claim is a monetary claim, may (but need not) be in such form (if any) as is prescribed for the purposes of [this paragraph](#).
- (4) Where a notice is served as mentioned in [subsection \(5\)\(c\)](#), [paragraph \(a\)](#) of [subsection \(3\)](#) may be satisfied by providing an electronic link to a website, or to a portal, in which the information mentioned in that paragraph is set out.
- (5) For the purposes of [subsection \(1\)\(a\)](#), service of a notice must be by—
- (a) delivering the notice personally to the debtor,
 - (b) sending it—
 - (i) by postal services, or
 - (ii) by any other service which conveys postal packets from one place to another,
 either to the proper address of the debtor or to an address for postal communication provided to the assignor by the debtor, or
 - (c) transmitting it to an address for electronic communication so provided.
- (6) But a determination (a “determination as to method of service”) may be made in accordance with [subsection \(7\)](#) that, as respects the claim (either or both)—
- (a) only certain paragraphs and sub-paragraphs of [subsection \(5\)](#), as specified in the determination, are to apply for the purposes of [section 3\(2\)\(b\)\(i\)](#),
 - (b) [subsection \(5\)](#) is to apply as if for the closing words of [paragraph \(b\)](#) there were substituted a reference to a particular address as specified in the determination.
- (7) A determination as to method of service is made in accordance with [this subsection](#) where it is made—
- (a) by written agreement between the debtor and the holder of the claim, or
 - (b) where a unilateral undertaking gives rise to the claim, by a written statement (whether or not comprised within the undertaking) of the person whose undertaking it was.
- (8) Where a determination as to method of service specifies an address as mentioned in [subsection \(6\)\(b\)](#)—
- (a) the debtor may notify the holder of the claim of a different address to replace—
 - (i) the address so specified, or
 - (ii) an address previously notified under [this paragraph](#), and
 - (b) an address notified under [paragraph \(a\)](#) is, until a further address is so notified, to be treated for the purposes of [subsection \(6\)\(b\)](#) as if it were specified in the determination.
- (9) Where a notice is served—
- (a) as mentioned in [subsection \(5\)\(b\)](#) (including, where relevant, as modified by [subsection \(6\)\(b\)](#)), and
 - (b) by being sent to an address in the United Kingdom,
- it is to be taken to have been received 48 hours after it is sent unless it is shown to have been received earlier.

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(10) Where a notice is served as mentioned in [subsection \(5\)\(c\)](#), it is to be taken to have been received 24 hours after it is transmitted unless it is shown to have been received earlier.

(11) In [this section](#)—

“holder of the claim” includes a person who becomes the holder of the claim after a determination is made,

“postal packet” and “postal services” have the meanings given by section 27(1) and (2) of the Postal Services Act 2011,

“proper address of the debtor” means—

- (a) in the case of a body corporate, the address of the registered or principal office of the body,
- (b) in the case of a partnership, the address of the principal office of the partnership, and
- (c) in any other case, the last known address of the debtor.

(12) Any reference in [this section](#) to—

- (a) a notice being served on the debtor is to be construed as including a reference to its being served on a person authorised to receive such a notice on behalf of the debtor,
- (b) the proper address of the debtor is, where a notice is served on a person so authorised, to be construed as a reference to the proper address of that person.

Commencement Information

II S. 8 not in force at Royal Assent, see [s. 121\(2\)](#)

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