



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

9 Warrandice implied in the assignment of a claim

- (1) [Subsections \(2\) to \(5\)](#) apply except in so far as the assignor and the assignee agree otherwise.
- (2) In granting, for value, an assignment document in respect of a claim, the assignor is taken to warrant to the assignee that—
 - (a) the assignor is entitled to, or (in the case of any such claim as is mentioned in [section 1\(4\)](#)) will be entitled to, transfer the claim to the assignee,
 - (b) the debtor is obliged to, or (when performance becomes due) will be obliged to, perform in full to the assignor, and
 - (c) the assignor has done nothing, and will do nothing, to prejudice the assignment.
- (3) In granting, other than for value, an assignment document in respect of a claim, the assignor is taken to warrant to the assignee that the assignor will do nothing to prejudice the assignment.

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 9. (See end of Document for details)

- (4) In granting an assignment document in respect of a claim (whether or not for value), the assignor is not taken to warrant to the assignee that the debtor will perform to the assignee.
- (5) Subsections (2) to (4) apply in relation to providing, in a contract or unilateral undertaking, for the assignment of a claim as they apply in relation to the granting of an assignment document in respect of a claim.

Commencement Information

II S. 9 not in force at Royal Assent, see **s. 121(2)**

Status:

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