



# Debt Arrangement and Attachment (Scotland) Act 2002

2002 asp 17

## PART 5 **S**

### MISCELLANEOUS AND GENERAL

VALID FROM 30/12/2002

#### **60 Application of this Act to sequestration for rent and arrestment **S****

- (1) Sections 12, 16, 49 and 55(3) above apply to a landlord's or superior's right of hypothec and its enforcement by a sequestration for rent or feuduty as they apply to an attachment.
- (2) It is not competent for such a hypothec to arise in any article—
  - (a) of the type described in section 11(1); or
  - (b) which is kept in a dwellinghouse and which is not a non-essential asset for the purposes of Part 3 of this Act.
- (3) An arrestment (other than an arrestment of a debtor's earnings in the hands of the debtor's employer) of any article of the type mentioned in paragraph (a) or (b) of subsection (2) above is incompetent.
- (4) The Scottish Ministers may, by order, modify subsection (1) above by repealing the words "or superior's" and "or feuduty" where they appear in that subsection.
- (5) Such an order may not have effect before the day appointed by the Scottish Ministers under section 71 (power to appoint the day on which the feudal system of land tenure is abolished) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5).

*Status: Point in time view as at 17/12/2002. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Part 5. (See end of Document for details)*

VALID FROM 30/12/2002

**61 Minor and consequential amendments and repeals S**

Schedule 3 to this Act (which contains minor amendments, amendments consequential upon the provisions of this Act and repeals) has effect.

**62 Regulations and orders S**

- (1) Any power of the Scottish Ministers under this Act to make an order or regulations is exercisable by statutory instrument.
- (2) Any such power includes power to make—
  - (a) different provision for different cases and for different classes of case; and
  - (b) such incidental, supplementary, consequential, saving or transitional provision as the Scottish Ministers think necessary or expedient.
- (3) A statutory instrument containing an order (other than an order made under section 47, 60 or 64 of this Act) or regulations (other than the first regulations made under section 7 of this Act) made under this Act is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) A statutory instrument containing the first regulations made under section 7 above or any order made under section 47 above shall not be made unless a draft of the instrument is laid before, and approved by a resolution of, the Scottish Parliament.

VALID FROM 30/12/2002

**63 Crown application S**

This Act binds the Crown acting in its capacity as a creditor or employer.

**64 Short title and commencement S**

- (1) This Act may be cited as the Debt Arrangement and Attachment (Scotland) Act 2002.
- (2) Subject to subsections (3) and (4) below, this Act (except this section and sections 43 and 62 above) comes into force on 30 December 2002.
- (3) Any power conferred by this Act to make provision by Act of Sederunt is exercisable from Royal Assent.
- (4) Sections 1 to 9 above come into force on such day as the Scottish Ministers may by order appoint.
- (5) An order under subsection (4) above may appoint different days for different purposes.

**Status:**

Point in time view as at 17/12/2002. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Debt Arrangement and Attachment (Scotland) Act 2002, Part 5.