



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

1 Assignment of claims: general

- (1) The assignment of a claim requires the execution or authentication of a document assigning the claim (an “assignment document”) by the person assigning it.
- (2) The assignment document must identify the claim.
- (3) But an assignment document which assigns a number of claims need not identify each claim separately provided that the document identifies the claims in terms of their constituting an identifiable class.
- (4) It is competent to assign a claim which, at the time the assignment document is granted, is not held by the assignor (whether or not the claim yet exists at that time).
- (5) For the purposes of subsection (2), the ways in which the claim can be identified in the assignment document include by making reference in the assignment document to another document, the terms of which are not reproduced.
- (6) Nothing in [this Part](#) applies to the assignment of a claim as part of a financial collateral arrangement, within the meaning of regulation 3(1) of the Financial Collateral Arrangements (No.2) Regulations 2003 ([S.I. 2003/3226](#)).