



# Companies Act 1985

## 1985 CHAPTER 6

### PART XVIII

#### FLOATING CHARGES AND RECEIVERS (SCOTLAND)

### CHAPTER III

#### GENERAL

**Modifications etc. (not altering text)**

- C1** Pt. 18 Ch. 3 applied (with modifications) (26.3.2015) by [The Financial Services \(Banking Reform\) Act 2013 \(Commencement \(No. 8\) and Consequential Provisions\) Order 2015 \(S.I. 2015/428\)](#), art. 4, [Sch. 1](#) (with art. 5) (as amended by S.I. 2016/679, art. 7(a))

**486 Interpretation for Part XVIII generally.**

- (1) In this Part, unless the context otherwise requires, the following expressions have the following meanings respectively assigned to them, that is to say—

“ancillary document” means—

- (a) a document which relates to the floating charge and which was executed by the debtor or creditor in the charge before the registration of the charge in accordance with Chapter II or Part XII; or
- (b) an instrument of alteration such as is mentioned in section 466 in this Part;

“company”, . . . <sup>F1</sup>, means an incorporated company (whether a company within the meaning of this Act or not);

“fixed security”, in relation to any property of a company, means any security, other than a floating charge or a charge having the nature of a floating charge, which on the winding up of the company in Scotland would be treated as an effective security over that property, and (without prejudice to that generality) includes a security over that property, being a heritable security

*Status: Point in time view as at 26/03/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Companies Act 1985, Chapter III. (See end of Document for details)*

within the meaning of section 9(8) of the <sup>M1</sup>Conveyancing and Feudal Reform (Scotland) Act 1970;

- F1 .....
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- F1 .....

“Register of Sasines” means the appropriate division of the General Register of Sasines.

**Textual Amendments**

F1 S. 486: words and the definitions of “instrument of appointment”, “prescribed”, “receiver” and “register of charges” repealed by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 438, [Sch. 12](#)

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**Modifications etc. (not altering text)**

C2 S. 486 applied (with modifications) (6.4.2001) by [S.S.I. 2001/128](#), reg. 3, [Sch. 1](#)  
S. 486 applied (with modifications) (6.4.2001) by [S.I. 2001/1090](#), reg. 4, [Sch. 2 Pt. I](#)

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**Marginal Citations**

M1 [1970 c. 35](#).

**487 Extent of Part XVIII.**

This Part extends to Scotland only.

**Modifications etc. (not altering text)**

C3 S. 487 applied (with modifications) (6.4.2001) by [S.S.I. 2001/128](#), reg. 3, [Sch. 1](#)  
S. 487 applied (with modifications) (6.4.2001) by [S.I. 2001/1090](#), reg. 4, [Sch. 2 Pt. I](#)

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