

Moveable Transactions (Scotland) Bill — Stage 2

Section 13

Carol Mochan

47 In section 13, page 9, line 13, leave out from beginning to <claim,> in line 14

Carol Mochan

48 In section 13, page 9, line 24, leave out subsection (4).

Carol Mochan

49 In section 13, page 9, line 25, at end insert—

<() Such an agreement as is described in subsection (1) cannot be made by individuals not acting in the course of business.>

Carol Mochan

50 In section 13, page 9, line 25, at end insert—

<() Such an agreement as is described in subsection (1) cannot be made by—
(a) individuals not acting in the course of business,
(b) sole traders.>

After section 13

Carol Mochan

51 After section 13, insert—

<Report on waiver of defence

- (1) Within 3 years of section 13 coming into force, the Scottish Ministers must prepare and publish a report setting out the impact of the waiver of defence clause in section 13(1).
- (2) A report under subsection (1) must set out any steps that the Scottish Ministers intend to take to mitigate any negative impacts that have been identified.>

After section 38

Carol Mochan

52 After section 38, insert—

<Report on assignation

Report on assignation

- (1) Within 3 years of section 1 coming into force, the Scottish Ministers must prepare and publish a report on the assignation of consumer credit debts.

- (2) The report under subsection (1) must consider, in particular, the impact the removal of the need for intimation has had on debtors.>

After section 43

Carol Mochan

16A As an amendment to amendment 16, line 19, at end insert—

- <() For the purpose of subsection (1)(b), an asset is not a “permitted asset” if it is a household good that is essential for heating, cooking or laundry purposes.>

Carol Mochan

16B As an amendment to amendment 16, line 19, at end insert—

- <() The figure specified in subsection (2)(b) must be read as if annually updated in line with the retail prices index.>

After section 113

Carol Mochan

53 After section 113, insert—

<Review of the Act

Review of the Act

- (1) The Scottish Ministers must, after the end of the review period—
 - (a) undertake a review of the operation of this Act, and
 - (b) prepare a report on that review.
- (2) The review under subsection (1)(a) must, in particular, consider the operation of provision relating to statutory pledge on sole traders and small businesses.
- (3) The Scottish Ministers must, as soon as practicable after the end of the review period—
 - (a) publish the report under subsection (1)(b),
 - (b) lay the report before the Scottish Parliament.
- (4) For the purposes of this section, “the review period” is the period of 3 years beginning with the day of Royal Assent.>