



The Scottish Parliament
Pàrlamaid na h-Alba

John Lamont MP
Parliamentary Under Secretary of
State for Scotland
Scotland Office
UK Government

Delegated Powers and Law Reform
Committee
DPLR.Committee@parliament.scot

8 March 2023

Dear Under Secretary of State,

Moveable Transactions (Scotland) Bill

I write again further to our correspondence in November 2022 on the above Bill. The Delegated Powers and Law Reform Committee will be again considering the Bill at Stage 2 in the coming weeks.

To assist the Committee, and wider Parliament, in its consideration ahead of Stages 2 and 3 of the Bill, the Committee agreed to write requesting any update on the following issue.

Section 104 Order in relation to financial collateral arrangements

In a [recent letter from the Scottish Government to the Committee](#) in relation to the Bill, the Minister for Public Finance, Planning and Community Wealth stated:

“Following discussion between legal advisers for the Scottish Government and the UK Government, the UK Government’s view is that the use of a section 104 order would be appropriate. The relevant departments within the UK Government have been made aware for their own consideration. Once there are firmer indications as to next steps for how this will proceed, we will update the DPLRC. Notwithstanding this progress, any eventual section 104 order will be capable of being made only once the Bill has been passed.”

The Committee finds the reported indication from the UK Government that a section 104 order will be brought forward helpful.

We are now seeking specific clarification about timescales. In particular, whether it is expected the section 104 order will be made in time to align with the Scottish Government’s plans to bring core provisions of the Act into force. We note from the

Bill's Financial Memorandum, the commencement date of the registers is expected to be in "late spring or early summer 2024".

We will also seek any update from the Scottish Government on this issue.

It would be appreciated if you could please email your response to the Delegated Powers and Law Reform Committee e-mail address above by **Tuesday, 14 March**.

I look forward to hearing from you.

Yours sincerely

Stuart McMillan MSP

Convener of the Delegated Powers and Law Reform Committee