



# Mortgage Rights (Scotland) Act 2001

## 2001 asp 11

### **F1**      **Application to suspend enforcement of standard security**

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#### **Textual Amendments**

- F1**    Ss. 1-3 repealed (30.9.2010) by [Home Owner and Debtor Protection \(Scotland\) Act 2010 \(asp 6\)](#), ss. **8(4)(a)**, 17(3) (with s. 14); S.S.I. 2010/314, art. 3 (with transitional provisions and savings in S.S.I. 2010/316, arts. 4, 5)

### **F2**      **Disposal of application**

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#### **Textual Amendments**

- F1**    Ss. 1-3 repealed (30.9.2010) by [Home Owner and Debtor Protection \(Scotland\) Act 2010 \(asp 6\)](#), ss. **8(4)(a)**, 17(3) (with s. 14); S.S.I. 2010/314, art. 3 (with transitional provisions and savings in S.S.I. 2010/316, arts. 4, 5)

### **F3**      **Registration of order under section 2**

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#### **Textual Amendments**

- F1**    Ss. 1-3 repealed (30.9.2010) by [Home Owner and Debtor Protection \(Scotland\) Act 2010 \(asp 6\)](#), ss. **8(4)(a)**, 17(3) (with s. 14); S.S.I. 2010/314, art. 3 (with transitional provisions and savings in S.S.I. 2010/316, arts. 4, 5)

### **4**      **Notices to debtors, proprietors and occupiers**

(1) After section 19 of the 1970 Act there is inserted—

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**“19A Notice to occupier of calling-up**

- (1) Where a creditor in a standard security over an interest in land used to any extent for residential purposes serves a calling-up notice, he shall serve a notice in conformity with Form BB (notice to occupier) of Schedule 6 to this Act together with a copy of the calling-up notice.
- (2) Notices under subsection (1) above shall be sent by recorded delivery letter addressed to “The Occupier” at the security subjects.
- (3) If a creditor fails to comply with subsections (1) and (2) above, the calling-up notice shall be of no effect.”

(2) In section 21 (notice of default) of that Act, after subsection (2) there is inserted—

“(2A) Section 19A of this Act applies where the creditor serves a notice of default as it applies where he serves a calling-up notice.”

(3) In section 24 (application by creditor to court for remedies on default) of that Act, after subsection (2) there is inserted—

“(3) Where the creditor applies to the court under subsection (1) above, he shall, if the standard security is over an interest in land used to any extent for residential purposes—

- (a) serve on the debtor and (where the proprietor is not the debtor) on the proprietor a notice in conformity with Form E of Schedule 6 to this Act, and
- (b) serve on the occupier of the security subjects a notice in conformity with Form F of that Schedule.

(4) Notices under subsection (3) above shall be sent by recorded delivery letter addressed—

- (a) in the case of a notice under subsection (3)(a), to the debtor or, as the case may be, the proprietor at his last known address,
- (b) in the case of a notice under subsection (3)(b), to “The Occupier” at the security subjects.”

F<sup>2</sup>(4) .....

F<sup>2</sup>(5) .....

F<sup>2</sup>(5A) .....

(6) The schedule to this Act, Part 1 of which amends Schedule 6 to the 1970 Act (forms to be used in relation to calling-up and default) and Part 2 of which sets out the Forms referred to in subsection (4), has effect.

(7) The Scottish Ministers may, by order made by statutory instrument, amend—

- (a) the Notes inserted in Forms A and B in Schedule 6 to the 1970 Act by Part 1 of the schedule to this Act,
- (b) Forms BB, E and F in Schedule 6 to the 1970 Act,
- (c) the Forms set out in Part 2 of the schedule to this Act.

(8) A statutory instrument containing an order under subsection (7) is subject to annulment in pursuance of a resolution of the Scottish Parliament.

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### Textual Amendments

- F2** S. 4(4)-(5A) repealed (30.9.2010) by [Home Owner and Debtor Protection \(Scotland\) Act 2010 \(asp 6\)](#), [ss. 8\(4\)\(b\), 17\(3\)](#) (with [s. 14](#)); [S.I. 2010/314](#), [art. 3](#) (with transitional provisions and savings in [S.I. 2010/316](#), arts. 4, 5)

## 5 Crown application

This Act binds the Crown.

## 6 Interpretation

Except so far as the context otherwise requires, expressions used in this Act and in Part II of the 1970 Act have the same meanings in this Act as they have in that Part.

## 7 Commencement and short title

- (1) The preceding provisions of this Act come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.
- (2) An order under subsection (1) may include such transitional and transitory provisions and savings as the Scottish Ministers think expedient.
- (3) This Act may be cited as the Mortgage Rights (Scotland) Act 2001.

### Subordinate Legislation Made

- P1** S. 7(1)(2) power fully exercised: 3.12.2001 appointed by [S.I. 2001/418](#), [art. 2](#) (with transitional provisions in [art. 3](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 3(1) words repealed by [2007 asp 3 Sch. 6 Pt. 1](#)