

SCHEDULE

PART 1

AMENDMENT OF THE CONVEYANCING AND
FEUDAL REFORM (SCOTLAND) ACT 1970

2. For Forms A to BB, substitute—

FORM A

NOTICE OF CALLING UP OF STANDARD SECURITY

**IT IS IMPORTANT THAT YOU READ THIS LETTER - YOUR HOME MAY BE
AT RISK OF REPOSSESSION**

To A.B. (*address*)

TAKE NOTICE that C.D. (*designation*) requires payment of the principal sum of £..... with interest thereon at the rate of per centum per annum from the day of (*adding if necessary*, subject to such adjustment of the principal sum and the amount of interest as may subsequently be determined) secured by a standard security by you (or by E.F.) over (*insert address*) (“the property”) in favour of C.D. (or of G.H. to which C.D. has now right) recorded in the Register for (*or, as the case may be*, registered in the Land Register for Scotland) on And that failing full payment of the said sum and interest thereon (*adding if necessary*, subject to any adjustment as aforesaid), and expenses within two months after the date of service of this demand—

- IF THE PROPERTY IS A RESIDENTIAL PROPERTY, C.D. may apply to the sheriff court for warrant to exercise the remedies available to a creditor on default for example to repossess and sell the property.
- IF THE PROPERTY IS A NON-RESIDENTIAL PROPERTY, it may be sold without the need to go to court.

Dated this day of

(To be signed by the creditor, or by his agent, who will add his designation and the words Agent of the said C.D.)

IT IS STRONGLY RECOMMENDED THAT YOU SEEK ADVICE:

You can get advice about this Notice and what it means for you from a solicitor, Citizens Advice Bureau or other advice agency or, in the case of a residential property, an approved lay representative. A Citizens Advice Bureau or other advice agency may also be able to give you advice about how to manage debt. Take this Notice with you when seeking advice. You may be eligible for legal aid depending on your circumstances. You can get information about legal aid from a solicitor.

A solicitor or approved lay representative may represent you in any court proceedings in relation to an application by C.D for possession and sale of your home. You can find out more about approved lay representatives from the housing department of your local authority or from a Citizens Advice Bureau or other advice agency.

YOUR RIGHTS IN RELATION TO RESIDENTIAL PROPERTY ARE PROTECTED BY LAW:

In the case of a residential property, C.D. must comply with statutory pre-action requirements before being allowed to apply to the court. These requirements include providing you with specified information and contacting you to discuss alternatives to repossession. C.D. may also be prevented from applying to the court if you have made an application to an insurer under a payment protection policy or to a mortgage support scheme. It is important to discuss with your solicitor or advisor any doubts you have about whether C.D. has complied with these requirements.

YOU MAY WISH TO VOLUNTARILY SURRENDER YOUR HOME:

In the case of a residential property it is open to you, in certain circumstances, to voluntarily surrender the property to C.D. if all entitled residents in it consent. If you wish to consider voluntary surrender you should discuss with your solicitor or advisor whether this option is right for you. You should not proceed with voluntary surrender unless you understand the consequences of doing so, for example that you may still owe money to C.D.

(In the case of a standard security for a non-monetary obligation this Form shall be adapted accordingly.)

FORM B

NOTICE OF DEFAULT UNDER STANDARD SECURITY

IT IS IMPORTANT THAT YOU READ THIS LETTER - YOUR HOME MAY BE AT RISK OF REPOSSESSION

To A.B. (*address*)

TAKE NOTICE that C.D. (*designation*), the creditor in a standard security by you (or by E.F.) over (*insert address*) (“the property”) in favour of C.D. (*or of G.H. to which C.D. has now right*) recorded in the Register for (*or, as the case may be, registered in the Land Register for Scotland*) on requires fulfilment of the obligation(s) specified in the Schedule hereto in respect of which there is default; And that failing such fulfilment within one month after the date of service of this notice—

- IF THE PROPERTY IS A RESIDENTIAL PROPERTY, C.D. may apply to the sheriff court for warrant to exercise the remedies available to a creditor on default for example to repossess and sell the property.
- IF THE PROPERTY IS A NON-RESIDENTIAL PROPERTY, it may be sold without the need to go to court.

Dated this day of

(To be signed by the creditor, or by his agent, who will add his designation and the words Agent of the said C.D.)

Schedule of Obligation(s) in respect of which there is default.

To (*specify in detail the obligation(s) in respect of which there is default*)

IT IS STRONGLY RECOMMENDED THAT YOU SEEK ADVICE:

You can get advice about this Notice and what it means for you from a solicitor, Citizens Advice Bureau or other advice agency or, in the case of a residential property, an approved lay representative. A Citizens Advice Bureau or other advice agency may also be able to give you advice about how to manage debt. Take this Notice with you when seeking advice. You may be eligible for legal aid depending on your circumstances. You can get information about legal aid from a solicitor.

A solicitor or an approved lay representative may represent you in any court proceedings in relation to an application by C.D for possession and sale of your home. You can find out more about approved lay representatives from the housing department of your local authority or from a Citizens Advice Bureau or other advice agency.

YOUR RIGHTS IN RELATION TO RESIDENTIAL PROPERTY ARE PROTECTED BY LAW:

In the case of residential property, C.D. must comply with statutory pre-action requirements before being allowed to apply to the court. These requirements include providing you with specified information and contacting you to discuss alternatives to repossession. C.D. may also be prevented from applying to the court if you have made an application to an insurer under a payment protection policy or to a mortgage support scheme. It is important to discuss with your solicitor or advisor any doubts you have about whether C.D. has complied with these requirements.

YOU MAY WISH TO VOLUNTARILY SURRENDER YOUR HOME:

In the case of a residential property it is open to you, in certain circumstances, to voluntarily surrender the property to C.D. if all entitled residents in it consent. If you wish to consider voluntary surrender you should discuss with your solicitor or advisor whether this option is right for you. You should not proceed with voluntary surrender unless you understand the consequences of doing so, for example, that you may still owe money to C.D.

FORM BB

NOTICE TO THE OCCUPIER

IT IS IMPORTANT THAT YOU READ THIS LETTER – YOUR HOME MAY BE AT RISK OF REPOSSESSION

To the Occupier (including any Tenant) (address)

A Notice of Calling-up of a standard security/ Default under a standard security (*delete as appropriate*) has been served by C.D. on A.B. in relation to (*address of subjects*) (“the property”). A copy of the Notice is attached. C.D. may apply to the sheriff court for warrant to exercise the remedies available to a creditor on default including the rights to enter into possession of and sell the property.

Dated

(*Signature of C.D., or signature and designation of C.D.’s agent followed by the words Agent of C.D.*)

IT IS STRONGLY RECOMMENDED THAT YOU SEEK ADVICE:

You can get advice about this Notice and what it means for you from a solicitor, Citizens Advice Bureau or other advice agency or, in certain cases, an approved lay representative. Take this Notice with you when seeking advice. You may be eligible for legal aid depending on your circumstances. You can get information about legal aid from a solicitor.

YOUR RIGHTS IN RELATION TO RESIDENTIAL PROPERTY ARE PROTECTED BY LAW:

C.D. must comply with statutory pre-action requirements before being allowed to apply to the court. These requirements include providing A.B. with specified information and contacting A.B. to discuss alternatives to repossession. It is important to discuss with your solicitor or advisor any doubts you have about whether C.D. has complied with these requirements.

IF YOU ARE OR WERE THE SPOUSE, CIVIL PARTNER OR PARTNER OF A.B. OR ARE THE OWNER OF THE HOUSE:

You may be an ENTITLED RESIDENT and should discuss this with your solicitor or advisor. This means that A.B. cannot voluntarily surrender the property if you or anyone else is living there or without your written consent. You may be asked to give your consent – it is recommended that you do not do so until you have discussed this with a solicitor or other advisor.

You have a RIGHT TO BE HEARD IN COURT. If C.D. does make an application to the court, you are entitled to intervene to ask the court to continue the proceedings or to make any other order (for example an order suspending C.D.'s rights or refusing C.D.'s application). You may represent yourself, or be represented by a solicitor or approved lay representative. You can find out more about approved lay representatives from the housing department of your local authority or from a Citizens Advice Bureau or other advice agency.

IF YOU ARE A TENANT OF A.B.:

You should contact C.D. to let them know about your tenancy as soon as possible as they may not be aware that you live in the property.

If you have an assured or short assured tenancy you may have rights under the Housing (Scotland) Act 1988 - in certain circumstances C.D. cannot take possession of the property or evict you without making a separate application to the court under that Act. Whatever your type of tenancy, you should obtain legal advice about your rights as a tenant.