
EXPLANATORY NOTE

(This Note does not form part of the Order)

This Order makes provision about approved lay representatives for the purposes of section 5F of the Heritable Securities (Scotland) Act 1894 and section 24E of the Conveyancing and Feudal Reform (Scotland) Act 1970, as introduced by section 7 of the Home Owner and Debtor Protection (Scotland) Act 2010.

Article 3 prescribes organisations which may approve individuals as lay representatives (“approving organisations”). It prescribes certain of these organisations by description, so that any person or body meeting that description is entitled to approve lay representatives.

Articles 4 to 6 set out the procedure which must be followed in order for an applicant to be approved as a lay representative. Article 7 provides that approving organisations may provide or make available training to applicants as part of the approval process. Article 8 provides that an approving organisation’s approval of a lay representative must specify the Sheriff Court districts within which the lay representative is expected to act.

Articles 9 to 13 set out procedures for withdrawal of approval and prescribe circumstances in which an approved lay representative may not represent a debtor or entitled resident.

Article 14 makes provision requiring information to be provided to the Scottish Ministers from approving organisations. Article 15 sets out the information that this may include.