

Status: Point in time view as at 08/12/2014.

Changes to legislation: Conveyancing and Feudal Reform (Scotland) Act 1970, SCHEDULE 5 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 18.

PROCEDURES AS TO REDEMPTION

FORM A

NOTICE OF REDEMPTION OF STANDARD SECURITY

To A.B. (*address*)

TAKE NOTICE that on (*state date of repayment*) C.D. (*designation*), will repay the sum of £ (*or the whole amount due*) secured by a standard security by the said C.D. (*or by E.F.*) in your favour (*or in favour of G.H.*) [^{F1}recorded in the Register for.....on.....] Dated this day of

Textual Amendments

F1 Words in [Sch. 5 Form A](#) substituted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [sch. 5 para. 17\(23\)\(a\)](#) (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

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

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

FORM B

I, A.B., above named, hereby acknowledge receipt of the Notice of Redemption of which the foregoing is a copy. 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 A.B.)

FORM C

Notice of Redemption, of which the foregoing is a copy, was posted (*or otherwise, as the case may be*) to A.B. above named on the day of

(To be signed by the debtor, or proprietor, or by his agent, who will add his designation and the words Agent of the said C.D. and if posted the postal receipt to be attached.)

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FORM D

No. 1

CERTIFICATE OF CONSIGNATION ON REDEMPTION OF STANDARD SECURITY WHERE DISCHARGE CANNOT BE OBTAINED

I, A.B. (*designation*) (solicitor) certify that consignation of the whole amount due under the standard security aftermentioned was made as after stated and was necessitated by reason of a discharge being unobtainable after due notice of redemption had been given.

STANDARD SECURITY for £ (*or a maximum of £; in other cases describe as indicated in Note 2 to Schedule 4 to this Act*) by C.D. in favour of E.F. [^{F2}registered in the Land Register of Scotland on.....over title number.....(*or recorded in the Register for.....on.....*)]

Textual Amendments

- F2** Words in Sch. 5 Form D Nos. 1 and 2 substituted by virtue of (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, sch. 5 para. 17(23)(b) (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

AMOUNT CONSIGNED £, being £ of principal, £ of interest and £ in respect of ascertained expenses.

BANK IN WHICH CONSIGNED (*specify bank or branch of bank with address, in which above amount consigned*) conform to deposit receipt dated in name of the person appearing to have the best right thereto (*specifying his name and designation if known*) (*or if he is only a partial creditor say to the extent of £*).

[^{F3}Testing clause+]

Textual Amendments

- F3** Words in Sch. 5 Form D No. 1 substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), Sch. 4, para. 46(a) (with ss. 9(3)(5)(7), 13, 14(3))

[^{F4}+Note— [^{F5}In the case of a traditional document, subscription of it by the grantor] will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995 [^{F6}, which also makes provision as regards the authentication of an electronic document]).]

Textual Amendments

- F4** Note for Sch. 5 Form D Nos. 1 and 2 added (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), Sch. 4, para. 46(b) (with ss. 9(3)(5)(7), 13, 14(3))
- F5** Words in Sch. 5 Form D Nos. 1 and 2 Notes substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, sch. 5 para. 17(23)(c)(i) (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F6** Words in Sch. 5 Form D Nos. 1 and 2 Notes inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, sch. 5 para. 17(23)(c)(ii) (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

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No. 2

CERTIFICATE OF DECLARATOR OF PERFORMANCE OF DEBTOR'S OBLIGATIONS UNDER STANDARD SECURITY WHERE DISCHARGE CANNOT BE OBTAINED

I, A.B. (*designation*) (solicitor) certify that a decree of declarator of performance of the obligations of the debtor under the standard security aftermentioned was pronounced as after stated and was necessitated by reason of a discharge being unobtainable after due notice of redemption had been given.

STANDARD SECURITY by C.D. in favour of E.F. [^{F2}registered in the Land Register of Scotland on.....over title number.....(or recorded in the Register for.....on.....)]

DECREE OF DECLARATOR by the Sheriff of at in the application of the said C.D. (or J.K. (*designation*), who is now the debtor (or the proprietor of the interest in land contained) in the said standard security.)

[^{F7}Testing clause+]

Textual Amendments

F7 Words in Sch. 5 Form D No. 2 substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), Sch. 4 para. 46(a) (with ss. 9(3)(5)(7), 13, 14(3))

[^{F8}+Note— [^{F5}In the case of a traditional document, subscription of it by the granter] will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995 [^{F6}, which also makes provision as regards the authentication of an electronic document]).]

Textual Amendments

F8 Note for Sch. 5 Form D Nos. 1 and 2 added (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), Sch. 4 para. 46(b) (with ss. 9(3)(5)(7), 13, 14(3))

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