

Status: Point in time view as at 08/12/2014.

Changes to legislation: Conveyancing and Feudal Reform (Scotland) Act 1970, SCHEDULE 9 is up to date with all changes known to be in force on or before 27 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 9

Section 40.

DISCHARGE OF HERITABLE SECURITY CONSTITUTED BY EX FACIE ABSOLUTE CONVEYANCE

I, A.B., (*designation*) hereby acknowledge that [the disposition (*or assignment*) granted by C.D., (*designation*) (*or* by E.F., (*designation*) with consent of C.D., (*designation*)) in my favour (*or* in favour of G.H., (*designation of original creditor*)) recorded in the Register for on] [*or, where endorsed on the disposition or assignment, the foregoing disposition (or assignment) [describe security discharged by reference to the parties thereto and to the details of its recording]*] although in its terms *ex facie* absolute was truly in security of an advance of £ (*or* a maximum amount of £ *in other cases describe as indicated in Note 2 to Schedule 4 to this Act*), and that all moneys intended to be secured thereby have been fully paid.

[^{F1}Testing clause+]

Textual Amendments

- F1** Words in [Sch. 9](#) substituted (1.8.1995) by [1995 c. 7, ss. 14\(1\), 15\(2\), Sch. 4 para. 47\(a\)](#) (with [ss. 9\(3\)\(5\)\(7\), 13, 14\(3\)](#))

NOTES TO SCHEDULE 9

Note 1.—The discharge may be separate or endorsed on the *ex facie* absolute disposition or assignment.

Note 2.—Where the grantor of the discharge is not the original creditor, the separate form of discharge shall be used.

Note 3.—Where the grantor of the discharge is not the original creditor but has a recorded title, no specification of the grantor's title is required. Where the grantor of the discharge is not the original creditor and has not a recorded title, insert at the end of the discharge a clause of deduction of title as follows:

The subjects conveyed by the said disposition (or otherwise, as the case may be) were last vested in the said G.H. as aforesaid (or, where the last recorded title to the subjects was in favour of a person other than the original creditor, say in J.K. whose title thereto was recorded in the said Register of Sasines on) and from whom I acquired right by (here specify shortly the writ or writs by which right was so acquired).

[^{F2}+Note 4— [^{F3}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 [^{F4}, which also makes provision as regards the authentication of an electronic document]).]

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Textual Amendments

- F2** Sch. 9 Note 4 added (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4, para. 47(b)** (with ss. 9(3)(5)(7), 13, 14(3))
- F3** Words in Sch. 9 Note 4 substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(25)(a)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F4** Words in Sch. 9 Note 4 inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(25)(b)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

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