



# Heritable Securities (Scotland) Act 1894

1894 CHAPTER 44 57 and 58 Vict

## [<sup>F1</sup>5D Entitled residents: definition

- (1) For the purposes of sections 5C, 5E and 5F, an entitled resident is a person whose sole or main residence is the security subjects (in whole or in part) and who is—
- (a) the proprietor of the security subjects (where the proprietor is not the debtor in the security),
  - (b) the non-entitled spouse of the debtor or the proprietor of security subjects which are (in whole or in part) a matrimonial home,
  - (c) the non-entitled civil partner of the debtor or the proprietor of security subjects which are (in whole or in part) a family home,
  - (d) a person living together with the debtor or the proprietor as husband and wife,
  - (e) a person living together with the debtor or the proprietor in a relationship which has the characteristics of the relationship between civil partners,
  - (f) a person who lived together with the debtor or the proprietor in a relationship described in paragraph (d) or (e) if—
    - (i) the security subjects (in whole or in part) are not the sole or main residence of the debtor or the proprietor,
    - (ii) the person lived together with the debtor or the proprietor throughout the period of 6 months ending with the date on which the security subjects ceased to be the sole or main residence of the debtor or the proprietor, and
    - (iii) the security subjects (in whole or in part) are the sole or main residence of a child aged under 16 who is a child of both parties in that relationship.
- (2) In this section—
- “ child ” includes a stepchild and any person brought up, or treated, by both parties to the relationship as their child,
  - “ family home ” has the meaning given by section 135(1) of the Civil Partnership Act 2004,
  - “ matrimonial home ” has the meaning given by section 22 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981,

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**Changes to legislation:** Heritable Securities (Scotland) Act 1894, Section 5D is up to date with all changes known to be in force on or before 29 May 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) [View outstanding changes](#)

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“ non-entitled civil partner ” has the same meaning as “ non-entitled partner ” in section 101(1) of the Civil Partnership Act 2004,

“ non-entitled spouse ” has the meaning given by section 1 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981. ]

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#### **Textual Amendments**

- F1** Ss. 5C, 5D inserted (30.9.2010) by [Home Owner and Debtor Protection \(Scotland\) Act 2010 \(asp 6\)](#), [ss. 5\(2\), 17\(3\)](#) (with s. 14); [S.S.I. 2010/314](#), art. 3 (with transitional provisions and savings in [S.S.I. 2010/316](#), art. 4)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act explained by [2007 asp 3 s. 126](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(2A) inserted by [2014 asp 18 sch. 5 para. 20](#)
- Sch. A-C repealed by [2007 asp 3 Sch. 6 Pt. 1](#)