

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Regulation 2(2)

Note to creditor

This form of notice must be used to give notice to a local authority where a creditor has served a calling-up notice or notice of default or has applied to court for a warrant to exercise any of the remedies which can be exercised on default of a standard security, or for a warrant for sale or has raised proceedings to eject a proprietor.

A “calling-up notice” is a notice described in section 19 of the Conveyancing and Feudal Reform (Scotland) Act 1970 issued by a creditor in a standard security requiring discharge of the debt secured.

A “notice of default” is a notice described in section 21 of the Conveyancing and Feudal Reform (Scotland) Act 1970 issued by a creditor calling on a debtor to remedy a default.

The remedies which a creditor is entitled to exercise when a debtor is in default are described in Schedule 3 to the Conveyancing and Feudal Reform (Scotland) Act 1970. In terms of section 24 of that Act a creditor may apply to court for a warrant to exercise those remedies.

Proceedings to eject a proprietor are raised under section 5 of the Heritable Securities (Scotland) Act 1894 and must be notified to the local authority by virtue of section 4(4) of the Mortgage Rights (Scotland) Act 2001.

NOTICE BY CREDITOR OF:

SERVICE OF CALLING-UP NOTICE/NOTICE OF DEFAULT

or

APPLICATION TO COURT FOR A WARRANT TO EXERCISE
REMEDIES ON DEFAULT

or

PROCEEDINGS TO EJECT PROPRIETOR

To:

(Name of local authority in whose area the property referred to in the application, proceedings or calling-up notice is situated)

Delete any of the following 3 statements if it is not applicable.

Take note that a calling-up notice/notice of default has been served as detailed below.

Take note that an application to court has been made as detailed below for a warrant to exercise remedies on default.

Take note that proceedings to eject a proprietor have been raised as detailed below.

(Please give the following information)

Name and address of the creditor:

Name and address of the creditor's legal representatives:

Contact telephone number of the creditor:

Name of debtor/proprietor:

Full postal address of property referred to in the calling-up notice/notice of default or application or proceedings:

Recording/registration date of the standard security (if applicable):

Date of calling-up notice/notice of default or application or raising of proceedings:

Court in which application made or proceedings raised: