

Status: This is the original version (as it was originally made).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

SCHEDULE 1

Regulation 3(1)(a) and (2)

Form of Schedule of Inhibition

Schedule of Inhibition

SCHEDULE OF INHIBITION [*ON THE DEPENDENCE]

Date of Service: *(date)*

To: *(name and address of person on whom served)*

IN HER MAJESTY'S NAME AND AUTHORITY [*AND IN THE NAME AND AUTHORITY OF THE SHERIFF], I, *(name)*, [*Messenger-at-Arms] [*Sheriff Officer], by virtue of-

- * a warrant contained in a [*Court of Session Summons] [*Sheriff Court Initial Writ] *(dated)*,
- * an order of Lord *(name)* in the Court of Session granted on *(date)*,
- * an order of the Sheriff at *(place)* granted on *(date)*,
- * a decree by the [*Court of Session] [*Sheriff Court] at *(place)* granted on *(date)*,
- * a document of debt as defined by Section 221 of the Bankruptcy and Diligence etc. (Scotland) Act 2007 [*and registered for execution in *(place of registration)* on *(date)*].

inhibit you from selling, disposing of, burdening or otherwise affecting [*all land and heritable property in which you have an interest] [*your land and other heritable property at *(description of property being inhibited, see Note 1)*] to the prejudice of *(name and address of person entitled to inhibit)*. See Notes 2 to 4 for how you are affected by this Schedule.

- * [AND *(as appropriate, where the Debtor is an individual)*

A copy of the Debt Advice and Information Package, as defined in Section 10(5) of the Debt Arrangement and Attachment (Scotland) Act 2002 accompanies this Schedule.]

This I do in the presence of *(name, occupation and address of witness)*

(Signed)

[*Messenger-at-Arms] [*Sheriff Officer]

(Address)

- * [AND *(as appropriate, where this is a copy of the Schedule of Inhibition)*

I certify that this is a true copy of the original Schedule of Inhibition

(Signed)

[*Messenger-at-Arms] [*Sheriff Officer]

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NOTE

1. A description sufficient to identify the extent of and title to the property is required. If the property is held on a title recorded in the General Register of Sasines, a description in conformity with Schedule D or J to the Conveyancing (Scotland) Act 1924 may be used. If the property is registered in the Land Register of Scotland, the title number should be inserted.
2. This document forbids you from disposing of or dealing with [*the land or heritable property described herein] [*any land or buildings in Scotland] in which you have an interest without a further order from the court.
3. If you are in the course of or are contemplating a transaction which affects any land or building in Scotland in which you have an interest you should tell your solicitor immediately about this document.
4. This schedule may have been served on you to protect property pending a decision in a court action (known as “inhibition on the dependence”) and limited to specific land and heritable property where stated above. If so, and the court later grants a decree against you, the decree will have the effect of forbidding you from disposing of or dealing with **any** land and building in Scotland—not just the specific land and property mentioned in this schedule, under Section 152 of Bankruptcy and Diligence etc. (Scotland) Act 2007. You should check the effect with your solicitor.

IF YOU ARE UNCERTAIN ABOUT THE EFFECT OF THIS DOCUMENT, you should consult a solicitor, Citizens Advice Bureau or other local advice agency or adviser immediately.

* Delete where not applicable.