

Status: This is the original version (as it was originally made).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

SCHEDULE

Regulation 2

**FORM OF CHARGE FOR REMOVING
CHARGE FOR REMOVING**

(insert name, address and, as appropriate, designation of pursuer)

PURSUER

Against

(insert name, address and, as appropriate, designation of defender)

DEFENDER

**IT IS IMPORTANT YOU READ THIS NOTICE – YOU ARE AT RISK OF
BEING REMOVED FROM YOUR HOME OR OTHER PREMISES**

Date: *(date of service)*

To: *(name and address of DEFENDER)*

A decree for removing from heritable property was granted in an action against you in the [Court of Session / sheriff court] at *(place)* on *(date)*.

The decree was extracted on *(date)*.

In Her Majesty’s name and authority [and in the name and authority of the sheriff] I, *(name)*, [Messenger-at-Arms or Sheriff Officer], by virtue of a decree of removing from heritable property, as defined in section 214 of the Bankruptcy and Diligence etc. (Scotland) Act 2007, lawfully charge you to remove yourself, sub-tenants, dependants and others deriving a right to occupy the premises from you (unless, where valid notice to quit has not previously been given under section 33(1) of the Housing (Scotland) Act 1988 to such a person deriving right to occupy the premises from you) together with all of your and their effects, possessions and belongings, from the premises situated at *(address where removal is to take place)* and to leave the premises vacant, within 14 days* *(*or such other period as is specified by the court)* after the date of service of this charge for removing. [The sheriff has directed that any of your effects left in the property be preserved by sheriff officers. You will be liable for any costs incurred in the preservation of these effects *(delete as appropriate)*].

This charge for removing is served upon you on *(insert date)*, before and in the presence of *(name, occupation and address of witness)*.

.....
(Witness)

(Signed).....
[Messenger-at-Arms][Sheriff Officer]
(Address)

Instructed by:– *(name and address of instructing agent)*

IMPORTANT – DO NOT IGNORE THIS NOTICE

If you do not remove yourself from the premises, (together with others deriving a right from you to occupy the premises), within the time specified in this charge, you may be removed by a Messenger-at-Arms or Sheriff Officer.

**YOU ARE STRONGLY RECOMMENDED TO SEEK ADVICE (INCLUDING LEGAL ADVICE)
AS SOON AS POSSIBLE**