



HFC Bank Act 1999

1999 CHAPTER iv

15 Application to Scotland and Northern Ireland

(1) In the application of this Act to Scotland the following provisions shall have effect:—

(a) in the construction of this Act—

“assignment” includes an assignation;

“bailee” includes a custodier or a holder on deposit or pledgee and
“contract of bailment” includes any other contract of deposit, custody,
loan or hire of things;

“convey” includes the transfer of any interest in property and the
execution and delivery of any deed or other instrument or document by
which any property, or any estate, interest, security or other right in or
over property, is constituted, completed, disposed, assigned, transmitted
or discharged;

“debenture” includes a floating charge, any instrument containing a
floating charge or any instrument altering a floating charge;

“forfeiture” includes irritancy;

“guarantee” includes a caution, whether proper or improper;

“judgment” includes a decree and an extract of a document registered
in the Books of Council and Session which is enforceable as a writ of
execution;

“judicial trustee” includes a judicial factor;

“leasehold interest” means the rights of a tenant under a lease or the
rights of a subtenant of land under a sublease;

“mortgage” includes a standard security, an assignation, transfer or
disposition ex facie absolute and any agreement qualifying the same, a
bond and disposition or assignation in security, a cash credit bond and
disposition or assignation in security, an assignation in security and any
real right or burden of whatever kind in the nature of a security;

“reversion” means the interest of a landlord in land subject to a lease or
the interest of the lessee of land who is the landlord under a sublease;

“security interest” includes an irrevocable mandate, a bond, a right of
retention and a right of compensation; and

Status: This is the original version (as it was originally enacted).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

- “will” includes a trust disposition and settlement and any instrument taking effect on the death of any person whereby any part of his estate is disposed of, or under which a succession thereto arises;
- (b) all security interests, expressed to be in favour of Beneficial transferred to HFC by virtue of this Act shall, on and from the appointed day, have the same effect in favour of HFC up to the maximum amounts or, as the case may be, for all sums secured thereby respectively in all respects as if they had been originally granted in favour of HFC for such maximum amounts or all sums;
 - (c) to enable HFC to complete a title, if thought fit, to any property transferred to it by virtue of this Act by notice of title or otherwise, or to deduce title, this Act shall be deemed to be, and may be used as, a general disposition, conveyance or, as the case may be, assignation of such property in favour of HFC;
 - (d) the reference in subsection (3) in section 5 (Provisions as to trust property transferred and provisions as to wills) to any will which has not been proved, shall be construed as a reference to any will in respect of which the executor has not been confirmed.
- (2) In the application of this Act to Northern Ireland—
- (a) for the reference in subsection (1) of section 12 (Evidence of transfer) of this Act to the Law of Property Act 1925 there shall be substituted reference to the Conveyancing Act 1881;
 - (b) the reference in subsection (3) of section 12 (Evidence of transfer) of this Act to the Stock Transfer Act 1963 shall include a reference to the Stock Transfer Act (Northern Ireland) 1963;
 - (c) for paragraph (a) of section 13 (Transfer of interests in land and other property) of this Act, there shall be substituted the following—
 - “(a) constitute a purchase or creation of an estate for the purposes of article 13(4) of the Business Tenancies (Northern Ireland) Order 1996; or”.