



Industrial and Provident Societies Act 1965

1965 CHAPTER 12

Contracts, property, etc., of society

34 Discharge of securities in Scotland

- (1) Where land in Scotland is held in security by a registered society by virtue of a heritable security constituted by an ex facie absolute conveyance, whether qualified by a back letter or not, a receipt in or as nearly as may be in form C in Part II of Schedule 3 to this Act endorsed on or annexed to the conveyance shall, on the registration thereof in the General Register of Sasines, effectually discharge that heritable security and disburden the land comprised therein, and vest that land in the person or persons entitled thereto at the date of the granting of the receipt in the like manner and to the like effect as if a conveyance containing all usual and necessary clauses had been granted by the society to that person or persons and duly registered as aforesaid.
- (2) Where land in Scotland is held in security by a registered society by virtue of a heritable security other than the one constituted by an ex facie absolute conveyance, a receipt in or as nearly as may be in form D in the said Part II endorsed on or annexed to the deed constituting that heritable security shall, on the registration thereof in the General Register of Sasines, effectually discharge that heritable security and disburden the land comprised therein in the like manner and to the like effect as if a discharge containing all usual and necessary clauses had been granted by the society and duly registered as aforesaid.
- (3) Where property other than land is held in security by a registered society in Scotland, a receipt in or as nearly as may be in form E in the said Part II shall discharge the security, and vest the property comprised therein in the person or persons entitled thereto at the date of the granting of the receipt without the necessity of any further deed:

Provided that where the original security was intimated to any person that security shall not be discharged nor the property vested as aforesaid until the receipt has been duly intimated to that person.

- (4) The fees payable in respect of the registration of receipts mentioned in this section shall in no case exceed five shillings and such receipts shall be exempt from stamp duty.
- (5) In this section—
- (a) the expression " a receipt", in relation to any security, means a receipt, signed by two members of the committee and countersigned by the secretary of the society or, if the society is in liquidation, signed by the liquidator or liquidators for the time being, described as such, for all moneys advanced by the society on the security of the property comprised in that security ;
 - (b) the expressions " conveyance " and " deed " have the meanings respectively assigned to them by the Conveyancing (Scotland) Act 1924.