

**Changes to legislation:** Conveyancing and Feudal Reform (Scotland) Act 1970, NOTES TO SCHEDULE 2 is up to date with all changes known to be in force on or before 06 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 2

#### FORMS OF STANDARD SECURITY

#### NOTES TO SCHEDULE 2

##### Modifications etc. (not altering text)

- C1** Note 1 of Schedule 2 excluded by [Land Registration \(Scotland\) Act 1979 \(c. 33, SIF 31:3\)](#), **s. 15(1)**
- C2** Notes 2 and 3(b) of Schedule 2 excluded by [Land Registration \(Scotland\) Act 1979 \(c. 33, SIF 31:3\)](#), **s. 15(1)(3)**

<sup>F1</sup>Note 1.—The security subjects shall be described sufficiently to identify them; but this note is without prejudice to any additional requirement imposed as respects any register.]

##### Textual Amendments

- F1** Sch. 2 Note 1 substituted (28.11.2004) by 2000 asp 5, ss. 76(1), 77(2)(c), **sch. 12 Pt. 1 para. 30(23)(a)** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**

Note 2.—Where the grantor has not a recorded title to the security subjects [<sup>F2</sup>and the deed is to be recorded in the Register of Sasines] , insert after the description thereof a clause of deduction of title as follows:—*Which subjects*(or <sup>F3</sup>. . . *lease* (or *tack*) or, as the case may be) *were last vested* (or *are part of the subjects last vested*) *in E.F. whose title thereto was recorded in the Register for* .....(or *the said Register of Sasines*) on ..... (or, if the last [<sup>F4</sup>recorded title] has already been mentioned, say *in the said E.F. as aforesaid*), *and from whom I acquired right by* (there specify shortly the writ or writs by which that right was so acquired).

##### Textual Amendments

- F2** Words in Sch. 2 Note 2 inserted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **sch. 5 para. 17(19)(a)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, **art. 2**
- F3** Words in Sch. 2 Note 2 repealed (28.11.2004) by 2000 asp 5, ss. 76(1)(2), 77(2)(c)(d), sch. 12 Pt. 1 para. 30(23)(b)(i), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
- F4** Words in Sch. 2 Note 2 substituted (28.11.2004) by 2000 asp 5, ss. 76(1), 77(2)(c), **sch. 12 Pt. 1 para. 30(23)(b)(ii)** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**

Note 3.—Where the grantor of a standard security [<sup>F5</sup>to be recorded in the Register of Sasines] has granted a conveyance *ex facie* absolute of the security subjects, or any part thereof, that conveyance shall be referred to in accordance with Note 5 to this Schedule. In any such case:—  
(a) where the grantor [<sup>F6</sup>has a recorded title to] the security subjects, no clause of deduction of

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title is required in the standard security (b) where the grantor [<sup>F6</sup>does not have a recorded title to] the security subjects but has right thereto by virtue of an unrecorded title insert in the standard security after the description of the security subjects a clause of deduction of title as follows.—*Which subjects* (or <sup>F7</sup>. . . *lease* (or *tack*) or, as the case may be) *were formerly vested in* (or *are part of the subjects formerly vested in*) (give name of person [<sup>F6</sup>who last had a recorded title to] the subjects before the grantor acquired right thereto) *whose title thereto was recorded in the Register for* ..... (or *the said Register of Sasines*) on ..... (or if such [<sup>F6</sup>recorded title] has already been mentioned *say in the said* ..... *as aforesaid*) *and from whom I acquired right by* (here specify shortly the writ or writs by which that right was so acquired).

**Textual Amendments**

- F5** Words in Sch. 2 Note 3 inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(19)(b)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F6** Words in Sch. 2 Note 3 substituted (28.11.2004) by 2000 asp 5, ss. 76(1), 77(2)(c), **sch. 12 Pt. 1 para. 30(23)(c)(i)(ii)(iv)(v)** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
- F7** Words in Sch. 2 Note 3 repealed (28.11.2004) by 2000 asp 5, ss. 76(1)(2), 77(2)(c)(d), sch. 12 Pt. 1 para. 30(23)(c)(iii), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**

*Note 4.*—Where it is desired to vary any of the standard conditions contained in Schedule 3 to this Act, such variations shall be effected either by an instrument or instruments other than the standard security, and any such instrument shall not require to be [<sup>F8</sup>registered in the Land Register of Scotland or] recorded in the Register of Sasines or by inserting in the standard security after the description of the security subjects (and after the clause of deduction of title, if any) *And I agree that the standard conditions shall be varied to the effect that* (here insert particulars of the variations desired).

**Textual Amendments**

- F8** Words in Sch. 2 Note 4 inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(19)(c)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

(As regards future variations, see section 16 of, and Form E and Notes 5 and 6 in Schedule 4 to, this Act).

*Note 5.*—Where the security subjects are burdened by any other standard security or heritable security, or by any security by way of *ex facie* absolute conveyance which ranks prior to the standard security which is being granted, insert immediately before the clause of warrandice the following:—*But the security hereby granted is subject to* (here specify any deed by which such preferable rights were created and any deed modifying or altering such rights), and amend the clause of warrandice to read *And, subject as aforesaid, I grant warrandice*. Where the standard security is to rank prior or postponed to, or *pari passu* with any other existing heritable security or any other standard security, a ranking clause may be inserted in appropriate terms immediately prior to the warrandice clause, and the warrandice clause shall, where necessary, be qualified accordingly.

*Note 6.*—Where a standard security is granted in Form A for a fluctuating or uncertain amount, provisions for ascertaining the amount due at any time may be inserted immediately prior to the clause of granting of the security, and the registration clause shall, where necessary, be amended accordingly.

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*Note 7.*—In the case of a standard security for a non-monetary obligation, the forms in this Schedule shall be adapted as appropriate.

[<sup>F9</sup>+Note 8— [<sup>F10</sup>In the case of a traditional document, subscription of it by the granter] will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995 [<sup>F11</sup>, which also makes provision as regards the authentication of an electronic document]).]

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#### Textual Amendments

- F9** Schedule 2, Note 8 added (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4 para. 44(b)** (with ss. 9(3)(5)(7), 13, 14(3))
- F10** Words in Sch. 2 Note 8 substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(19)(d)(i)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F11** Words in Sch. 2 Note 8 inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(19)(d)(ii)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2)(b)(c) inserted by [2000 asp 5 Sch. 12 para. 30\(2\)\(a\)\(iv\)](#) (This amendment has not been applied to legislation.gov.uk. Sch. 12 para. 30(2) repealed (4.4.2003) by 2003 asp 9, ss. 128, 129(5), Sch. 15 (with ss. 119, 121))
- s. 1(7) added by [2000 asp 5 Sch. 12 para. 30\(2\)\(c\)](#) (This amendment has not been applied to legislation.gov.uk. Sch. 12 para. 30(2) repealed (4.4.2003) by 2003 asp 9, ss. 128, 129(5), Sch. 15 (with ss. 119, 121))
- s. 9(2A) inserted by [2000 asp 5 s. 32](#) (This amendment has not been applied to legislation.gov.uk. S. 32 repealed (4.4.2003) by 2003 asp 9, ss. 128, 129(5), Sch. 15 (with ss. 119, 121) and word "32" in s. 77(2)(a) omitted (22.10.2003) by virtue of S.S.I. 2003/503, art. 5)
- s. 13A amendment to earlier affecting provision 2007 asp 3 s. 85 by [2012 asp 5 sch. 5 para. 52\(2\)](#)
- s. 24(1E) inserted by [2014 asp 18 sch. 5 para. 22](#)