

*Status: Point in time view as at 01/08/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Conveyancing (Scotland) Act 1924, SCHEDULE B. (See end of Document for details)*

## SCHEDULES

### SCHEDULE B

Section 15.

#### NOTICE OF TITLE

##### FORM NO. 1

ON BEHALF OF A PERSON WHO HAS RIGHT TO LAND BY A TITLE WHICH HAS NOT BEEN RECORDED IN THE APPROPRIATE REGISTER OF SASINES AND WHICH IS NOT TO BE RECORDED ALONG WITH THE NOTICE OF TITLE.

Be it known that *A.B.* (*designation*) has right as proprietor (*or* life-renter *or* proprietor in trust *or* otherwise, as the case may be) to all and whole [*here describe the land or refer to description thereof as in Schedule D. to this Act or as in Schedule G. to the*<sup>M1</sup>*Titles to Land Consolidation (Scotland) Act, 1868; and if there are any conditions, reservations, provisions, obligations servitudes, or other burdens which affect the land or any part thereof and have entered the record and are proper to be inserted or referred to, here insert the same at length or refer thereto as in Schedule H. to the*<sup>M2</sup>*Conveyancing (Scotland) Act, 1874, and if any such conditions and others which affect the land or any part thereof or qualify A.B.'s right thereto be contained in or imposed by the writ or any of the writs by which A.B. acquired right and are proper to be inserted, here insert the same at length, and if they affect only part of the land specify the part or parts of the land affected thereby, and in case of money burdens specify the amount thereof and the name and designation or designative description of the creditor therein all as in the writ containing or imposing such money burdens, and in all cases specify the writ or writs containing or imposing such conditions and others]; Which lands and others (*or* subjects) were last vested [*or* are part of the lands and others (*or* subjects) last vested] in *C.D.* (*design person last infeft*), whose title thereto was recorded in (*specify Register of Sasines and date of recording, or if the last infeftment has already been mentioned say in the said C.D. as aforesaid*), and from whom the said *A.B.* acquired right by (*here specify shortly the writ or series of writs by which he acquired right*); Which last recorded title and subsequent writ (*or* writs) have been presented to me, *Y.Z.* (*designation*), Notary Public, (*or* Law Agent).*

#### Marginal Citations

- M1** 1868 c. 101.  
**M2** 1874 c. 94.

[<sup>F1</sup>Testing clause+]

#### Textual Amendments

- F1** Words in Sch. B Form No. 1 substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4 para. 31(a)** (with ss. 9(3)(5)(7), 13, 14(3))

*Y.Z.*

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## FORM NO. 2

ON BEHALF OF A PERSON WHO HAS RIGHT TO LAND CONVEYED BY AN UNRECORDED SPECIAL CONVEYANCE WHICH IS TO BE RECORDED ALONG WITH THE NOTICE OF TITLE.

Be it known that *A.B. (designation)* has right as proprietor (*or life-renter or proprietor in trust or otherwise, as the case may be*) to all and whole the lands and others (*or subjects*) disposed by (*or contained in*) the disposition (*or feu charter or other special conveyance*) granted by *C.D. (designation)* in favour of *E.F. (designation)* dated (*insert date*), and recorded in (*specify Register of Sasines*) of even date herewith [*if any conditions, reservations, provisions, obligations, servitudes or other burdens affecting the land or any part thereof or qualifying A.B.'s right thereto be contained in or imposed by the writ or any of the writs by which A.B. acquired right other than such special conveyance and are proper to be inserted, here insert the same at length, and if they affect only part of the land specify the part or parts of the land affected thereby, and in case of money burdens specify the amount thereof and the name and designation or designative description of the creditor therein, all as in the writ containing or imposing such money burdens, and in all cases specify the writ or writs containing or imposing such conditions and others*]; To which lands and others (*or subjects*) the said *A.B.* acquired right by the foresaid disposition (*or as the case may be*) and by (*here specify shortly the subsequent writ or series of writs by which he acquired right*); Which disposition and subsequent writ (*or writs*) have been presented to me (*as in Form No. 1 of this Schedule*).

[<sup>F2</sup>Testing clause+]

### Textual Amendments

**F2** Words in Sch. B Form No. 2 substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4 para. 31(a)** (with ss. 9(3)(5)(7), 13, 14(3))

## FORM NO. 3

ON BEHALF OF A PERSON WHO HAS RIGHT TO A RECORDED HERITABLE SECURITY BY A TITLE WHICH HAS NOT BEEN RECORDED IN THE APPROPRIATE REGISTER OF SASINES AND WHICH IS NOT TO BE RECORDED ALONG WITH THE NOTICE OF TITLE.

Be it known that *A.B. (designation)* has right (*adding if such be the case to the extent aftermentioned*) to a bond and disposition in security (*or as the case may be*) for the sum of (*insert amount*) granted by *C.D. (design original debtor)* in favour of *E.F. (design original creditor)*, dated (*insert date*) and recorded in [*specify Register of Sasines and date of recording; adding, if necessary, but only to the extent of (insert sum) of principal*]; Which bond and disposition in security was last vested in the said *E.F.* as aforesaid [*or if E.F. is not the person last infest therein, or holding the last recorded title thereto, say* Which bond and disposition in security (*adding if necessary, to the extent foresaid or as the case may be*) was last vested in *G.H. (design person holding the last recorded title thereto)*, whose title thereto was recorded in said Register of Sasines (*or as the case may be, and give date of recording*)], and from whom the said *A.B.* acquired right (*adding, if necessary, to the extent foresaid, or as the case may be*), by (*here specify shortly the writ or series of writs by which he acquired right*); Which last recorded title and subsequent writ (*or writs*) have been presented to me (*as in Form No. 1 of this Schedule*).

[<sup>F3</sup>Testing clause+]

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#### Textual Amendments

- F3** Words in Sch. B Form No. 3 substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4 para. 31(a)** (with ss. 9(3)(5)(7), 13, 14(3))

### FORM NO. 4

ON BEHALF OF A PERSON WHO HAS RIGHT TO A GROUND ANNUAL WHICH HAS APPEARED IN THE APPROPRIATE REGISTER OF SASINES BY A TITLE WHICH HAS NOT BEEN RECORDED THEREIN, AND WHICH IS NOT TO BE RECORDED ALONG WITH THE NOTICE OF TITLE.

Be it known that *A.B. (designation)* has right (*adding if such be the case to the extent aftermentioned*) to the ground annual of (*insert amount*) exigible yearly at (*state term or date of payment*) in each year [*or in equal portions half-yearly at (state terms or dates of payment) in each year or otherwise as the case may be; and if there be any duplications or other casual payments add, with duplication every nineteenth year, or otherwise as the case may be, from and after (state the term or date from which the current duplication or other casual payment is running)*] constituted by a contract of ground annual (*or other deed by which the ground annual was constituted, giving the names and designations of the parties thereto or of the grantor and grantee*) recorded in [*specify Register of Sasines and date of recording; and if any duplications or other casual payments have been redeemed and commuted into an additional annual payment say and also to the additional ground annual of (insert sum) exigible at the same term (or date) in each year (or as the case may be) in lieu and commutation of casual payments; adding if necessary but only to the extent of (insert sum or respective sums)*] payable out of All and Whole (*here describe the land or refer to description thereof as in Schedule D to this Act or as in Schedule G to the <sup>M3</sup>Titles to land Consolidation (Scotland) Act, 1868*); Which ground annual was (*or which ground annual and others were*) last vested (*adding if necessary to the extent foresaid or as the case may be*) in *C.D. (design person having the only or last recorded title)*, whose title thereto was recorded in (*specify Register of Sasines and date of recording; or if the only or last recorded title has already been mentioned say in the said C.D. as aforesaid*), and from whom the said *A.B.* acquired right (*adding if necessary to the extent foresaid or as the case may be*) by (*here specify shortly the writ or series of writs by which he acquired right*), Which last recorded title and subsequent writ (*or writs*) have been presented to me (*as in Form No. 1 of this Schedule*).

#### Marginal Citations

- M3** 1868 c. 101.

[<sup>F4</sup>Testing clause+]

#### Textual Amendments

- F4** Words in Sch. B Form No. 4 substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4 para. 31(a)** (with ss. 9(3)(5)(7), 13, 14(3))

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## FORM NO. 5

ON BEHALF OF A PERSON WHO HAS RIGHT TO AN UNRECORDED HERITABLE SECURITY WHICH IS TO BE RECORDED ALONG WITH THE NOTICE OF TITLE.

Be it known that *A.B. (designation)* has right (*adding if such be the case to the extent aftermentioned*) to a bond and disposition in security (*or as the case may be*) for the sum of (*insert amount*) granted by *C.D. (designation)* in favour of *E.F. (designation)* dated (*insert date*), and recorded in (*specify Register of Sasines*) of even date herewith [*adding if necessary*] but only to the extent of (*insert sum*) of principal]; To which bond and disposition in security (*adding if necessary to the extent foresaid or as the case may be*) the said *A.B.* acquired right by (*here specify shortly the writ or series of writs by which he acquired right*); Which bond and disposition in Security (*or as the case may be*) and subsequent writ (*or writs*) have been presented to me (*as in Form No. 1 of this Schedule*).

[<sup>F5</sup>Testing clause+]

### Textual Amendments

- F5** Words in Sch. B Form No. 5 substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), Sch. 4 para. 31(a) (with ss. 9(3)(5)(7), 13, 14(3))

## FORM NO. 6

ON BEHALF OF A PERSON WHO HAS RIGHT TO A GROUND ANNUAL CONSTITUTED BY A DEED THE RECORDING OF WHICH IN THE APPROPRIATE REGISTER OF SASINES ON BEHALF OF THE ORIGINAL CREDITOR WOULD HAVE INFECT HIM THEREIN AND IN THE LANDS OUT OF WHICH IT IS PAYABLE, SO RECORDED, AND WHICH IS TO BE RECORDED ALONG WITH THE NOTICE OF TITLE.

Be it known that *A.B. (designation)* has right (*adding if such be the case to the extent aftermentioned*) to a ground annual of (*insert amount, and if there be any duplications or other casual payments add with duplication every nineteenth year, or as the case may be*) payable under a contract of ground annual (*or other deed by which the ground annual was constituted, giving the names and designations of the parties thereto or of the granter and grantee*) dated (*insert date*), and recorded in (*specify Register of Sasines*) of even date herewith, [*adding, if necessary, but only to the extent of (insert sum or respective sums)*]; To which ground annual (*adding, if necessary, to the extent foresaid or as the case may be*) the said *A.B.* acquired right by the foresaid contract of ground annual (*or as the case may be*) and by (*here specify shortly the writ or series of writs by which he acquired right*); Which contract of ground annual (*or as the case may be*) and subsequent writ (*or writs*) have been presented to me (*as in Form No. 1 of this Schedule*).

[<sup>F6</sup>Testing clause+]

### Textual Amendments

- F6** Words in Sch. B Form No. 6 substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), Sch. 4 para. 31(a) (with ss. 9(3)(5)(7), 13, 14(3))

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## NOTES TO SCHEDULE B

Note 1.—Where the description in the last infertment is a particular description, the description in Form No. 1 of this Schedule should be by reference thereto, unless there is reason to the contrary.

Note 2.—In adapting Form No. 2 of this Schedule to the case of a person who has right to only a part of the land contained in a unrecorded conveyance, deed, or decree there shall be inserted immediately before the words “all and whole” a description of such part of the land, and the form may then proceed *which lands and others (or subjects) are part of*.

Note 3.—If the original infertment upon a bond and disposition in security or other heritable security including a ground annual has been taken otherwise than by recording the same in the appropriate Register of Sasines add immediately after the mention of the date thereof *and instrument of sasine (or notarial instrument, or if such be the case and along with notice of title) thereon* (adding if such instrument or notice is not in favour of the original creditor the name and designation of the person in whose favour it is conceived) *recorded in* (specify Register of Sasines and date of recording).

Note 4.—In adapting Forms Nos. 3 and 5 of this Schedule to real burdens for capital sums, there shall be substituted for the specification of the bond and disposition in security the following: *A real burden for the sum of* (insert amount) *payable to E.F. (designation) in terms of* (specify the disposition or other deed under which the real burden was reserved or constituted, giving the names and designations of the granter and grantee, or of the parties thereto), *dated* (insert date) *and recorded in* (specify Register of Sasines and date of recording); and in specifying the writs by which *A.B.* acquired right to such real burden there shall in Form No. 5 be mentioned as the first of such writs *the said disposition* (or other deed as above), and the same shall along with the other writ or writs be presented to the Agent expeding the notice of title.

Note 5. . . . <sup>F7</sup>

### Textual Amendments

**F7** S. 7, Schs. B Note 5, C, F Note 4 repealed by [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c. 35\)](#), s. 48, [Sch. 11 Pt. II](#)

Note 6.—Where in place of the principal titles or writs on which any notice of title bears to proceed there are presented to the agent expeding such notice extracts or office copies thereof, the statement in the notice as to the presentation of such titles or writs may be varied accordingly; but it shall be no objection to any notice of title that it states that the principal titles or writs were so presented although there were presented only extracts of office copies of such titles or writs.

Note 7.—Where a deed, decree or heritable security is to be recorded along with a notice of title it should be docketed as follows:—*Docqueted with reference to notice of title in favour of A.B. recorded of even date herewith.*

[<sup>F8</sup>+Note 8—Subscription of the document by the notary public (or law agent) on behalf of the granter of it 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).]

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**Textual Amendments**

**F8** Sch. B Note 8 added (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch. 4 para. 31(b)**

Y.Z. (designation),

Agent.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Conveyancing (Scotland) Act 1924, SCHEDULE B.