

*These notes relate to the Home Owner and Debtor Protection (Scotland)
Act 2010 (asp 6) which received Royal Assent on 18 March 2010*

HOME OWNER AND DEBTOR PROTECTION (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 1 – Residential Standard Securities Etc.: Creditor’s Rights on Default

Section 8 – minor and consequential amendments

42. **Section 8(1)** inserts subsections (10A) and (10B) into section 19 of the 1970 Act, replacing provisions currently found in section 1(8) of the 2001 Act. These make provision for the shortening of the notice period mentioned in a calling-up notice, stating that this requires the consent in writing of those specified at the inserted subsections (10B)(a) and (b). Section 8(1) also consequentially inserts subsection (12) into section 19, providing that a calling-up notice in relation to residential property expires after 5 years from the date of the notice, to clarify the effect of other changes.
43. **Section 8(2)** amends section 21 of the 1970 Act to apply section 19(10) and (10B) to notices of default. Section 8(4) repeals provisions in the 2001 Act that are superseded as a consequence of the provision in Part 1 of the Act.
44. **Section 8(5)** preserves the requirements under section 11 of the Homelessness etc. (Scotland) Act 2003 for lenders to have to notify local authorities when initiating court action to repossess, allowing repeal of related parts of the Mortgage Rights (Scotland) Act 2001