
Changes to legislation: Conveyancing and Feudal Reform (Scotland) Act 1970, SCHEDULE 4 is up to date with all changes known to be in force on or before 01 May 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 4

Sections 14, 15, 16 and 17.

FORMS OF DEEDS OF ASSIGNATION, RESTRICTION, &C.

FORM A

ASSIGNATION OF STANDARD SECURITY

Separate

I, A.B. (*designation*), in consideration of £ hereby assign to C.D. (*designation*) a standard security for £ (*or a maximum sum of £, to the extent of £ being the amount now due thereunder; in other cases describe as indicated in Note 2 to this Schedule*) by E.F. in my favour (*or in favour of G.H.*) [^{F1}registered in the Land Register of Scotland on.....over title number.....(*or recorded in the Register for.....on.....*)] (*adding if necessary, but only to the extent of £ of principal*);

Textual Amendments

F1 Words in Sch. 4 Form A substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(21)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

With interest from [^{F2}Testing clause+]

Textual Amendments

F2 Words in Sch. 4 Form A substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4 para. 45(a)** (with ss. 9(3)(5)(7), 13, 14(3))

FORM B

[To be endorsed on the standard security]

As above save that instead of the words “a standard security for £” (or otherwise, as the case may be) insert “the foregoing standard security” Where the security is a fluctuating amount whether subject to a maximum or not, add “to the extent of £ being the amount now due thereunder”.

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FORM C

RESTRICTION OF STANDARD SECURITY

I, A.B. (*designation*), in consideration of (*specify consideration, if any*) hereby disburden of a standard security for £ (*or a maximum sum of £; in other cases, describe as indicated in Note 2 to this Schedule*) by C.D. in my favour (*or in favour of E.F.*) [^{F3}registered in the Land Register of Scotland on.....over title number.....(*or recorded in the Register for.....on.....*)] (*adding if necessary, but only to the extent of £ of principal*) ALL and WHOLE (*describe the subjects disburdened in the same way as directed in Note 1 to Schedule 2 to this Act in the case of a description of security subjects*).

Textual Amendments

- F3** Words in Sch. 4 Form C substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(21)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

[^{F4}Testing clause+]

Textual Amendments

- F4** Words in Sch. 4 Form C substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4 para. 45(a)** (with ss. 9(3)(5)(7), 13, 14(3))

FORM D

COMBINED PARTIAL DISCHARGE AND DEED OF RESTRICTION OF STANDARD SECURITY

I, A.B. (*designation*) in consideration of £ paid by C.D. (*designation*) (*or, as the case may be*), hereby discharge a standard security for £ (*or a maximum sum of £; in other cases, describe as indicated in Note 2 to this Schedule*) by the said C.D. (*or by E.F.*) in my favour (*or in favour of G.H.*) [^{F5}registered in the Land Register of Scotland on.....over title number.....(*or recorded in the Register for.....on.....*)] , but only to the extent of £ of principal; And I disburden of the said standard security (*adding if necessary, but only to the extent of £ of principal*) ALL and WHOLE (*describe the subjects disburdened in the same way as directed in Note 1 to Schedule 2 to this Act in the case of a description of security subjects*).

Textual Amendments

- F5** Words in Sch. 4 Form D substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(21)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

[^{F6}Testing clause+]

Textual Amendments

- F6** Words in Sch. 4 Form D substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4 para. 45(a)** (with ss. 9(3)(5)(7), 13, 14(3))

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FORM E

VARIATION OF STANDARD SECURITY

[To be endorsed on the standard security]

I, A.B. (*designation*), agree that the foregoing standard security granted by me (*or* by C.D.) in favour of E.F. [^{F7}registered in the Land Register of Scotland on.....over title number..... (*or* recorded in the Register for.....on.....)] (*if there have been previous variations insert “as varied”*) shall with effect from be varied so that (*here insert particulars of the variation agreed*); And I, E.F. (*designation*) (*or if the creditor is not the person in whose favour the standard security was granted say* G.H. (*designation*) the creditor now in right of the said standard security) consent to the variation hereby effected.

Textual Amendments

- F7** Words in Sch. 4 Form E substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(21)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

[^{F8}Testing clause+]

Textual Amendments

- F8** Words in Sch. 4 Form E substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4 para. 45(a)** (with ss. 9(3)(5)(7), 13, 14(3))

FORM F

DISCHARGE OF STANDARD SECURITY

Separate

I, A.B. (*designation*), in consideration of £ (*where the security is in respect of a maximum sum or of all sums due or to become due or is in respect of a personal obligation constituted in an instrument or instruments other than the standard security add being the whole amount secured by the standard security aftermentioned*) paid by C.D., (*designation*) (*or, as the case may be*) hereby discharge a standard security for £ (or a maximum sum of £*in other cases describe as indicated in Note 2 to this Schedule*) by the said C.D. (*or* by E.F.) in my favour (*or* in favour of G.H.) [^{F9}registered in the Land Register of Scotland on.....over title number.....(*or* recorded in the Register for.....on.....)] (*adding if necessary, but only to the extent of £ of principal*).

Textual Amendments

- F9** Words in Sch. 4 Form F substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(21)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

[^{F10}Testing clause+]

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Textual Amendments

F10 Words in Sch. 4 Form F substituted (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4 para. 45(a)** (with ss. 9(3)(5)(7), 13, 14(3))

[To be endorsed on the standard security]

As above save that instead of the words “a standard security for £ (or a maximum sum of £ in other cases describe as indicated in Note 2 to this Schedule)” insert “the foregoing standard security.”

NOTES TO SCHEDULE 4

General

Note 1.—Where the grantor of an assignment, discharge or deed of restriction of a standard security, or the creditor consenting to a variation of a standard security, is not the original creditor and has not a recorded title [^{F11}and the deed is to be recorded in the Register of Sasines], insert at the end of the deed a clause of deduction of title as follows: *Which standard security (adding, if necessary, to the extent aforesaid or, as the case may be) was last vested in the said (give name of original creditor) as aforesaid (or where the last recorded title to the standard security was in favour of a person other than the original creditor say in J.K. whose title thereto was recorded in the said Register of Sasines on) and from whom I acquired right by (here specify shortly the writ or writs by which right was so acquired).*

Textual Amendments

F11 Words in Sch. 4 Note 1 inserted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **sch. 5 para. 17(22)(a)(i)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

Where the grantor of an assignment, discharge or deed of restriction of a standard security, or the creditor consenting to a variation of a standard security, although not the original creditor, has a [^{F12}registered or] recorded title, no specification of the title of the grantor or creditor is required.

Textual Amendments

F12 Words in Sch. 4 Note 1 inserted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **sch. 5 para. 17(22)(a)(ii)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

Note 2.—In an assignment, discharge or deed of restriction, (1) a standard security in respect of an uncertain amount may be described by specifying shortly the nature of the debt or obligation (e.g., all sums due or to become due) for which the security was granted, adding in the case of an assignment, *to the extent of £ being the amount now due thereunder* and (2) a standard security in respect of a personal obligation constituted in an instrument or instruments other than the standard security itself may be described by specifying shortly the nature of the debt or obligation and referring to the other instrument or instruments by which it is constituted in such manner as will be sufficient identification thereof.

Note 3.—If the original [^{F13}title to a standard security has been completed] otherwise than by [^{F14}registration of the security in the Land Register of Scotland or] recording the security in the

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Register of Sasines, insert immediately after the word “[^{F15}registered (or recorded)]” the words *along with notice of title thereon* (adding, if such notice is not in favour of the original creditor, the name of the person in whose favour it is drawn).

Textual Amendments

- F13** Words in Sch. 4 Note 3 substituted (28.11.2004) by 2000 asp 5, ss. 76(1), 77(2)(c), **sch. 12 Pt. 1 para. 30(25)** (with ss. 58, 62, 75); S.S.I. 2003/456, **art. 2**
- F14** Words in Sch. 4 Note 3 inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(22)(b)(i)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F15** Words in Sch. 4 Note 3 substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(22)(b)(ii)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

Note 4.—If part of the security subjects has already been disburdened, there may be inserted in an assignment, after the specification of the standard security assigned, a reference to the previous partial discharge or deed of restriction.

Note 5.—The variation docket Form E of this Schedule shall be used only when the personal obligation or other matter to which the variation relates was contained in the standard security, or in a variation thereof which has been duly [^{F16}registered or] recorded. Variations in a personal obligation or other matter constituted in an instrument or instruments which have not been so [^{F16}registered or] recorded may be altered by an instrument in appropriate terms which shall not be required to be [^{F17}registered in the Land Register of Scotland or] recorded in the Register of Sasines.

Textual Amendments

- F16** Words in Sch. 4 Note 5 inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(22)(c)(i)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F17** Words in Sch. 4 Note 5 inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(22)(c)(ii)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

Note 6.—Where the grantor of a variation docket does not have a recorded title to the security subjects [^{F18}and the deed is to be recorded in the Register of Sasines], insert at the end of the variation and immediately before the consent by the creditor a clause of deduction of title as follows:*the security subjects to which the said standard security relates being last vested in (give the name of the person in whom the security subjects were last vested) whose title thereto was recorded in the said Register of Sasines on and from whom I acquired right by (here specify the writ or writs by which such right was so acquired).*

Textual Amendments

- F18** Words in Sch. 4 Note 6 inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(22)(d)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

[^{F19}+Note 7— [^{F20}In the case of a traditional document, subscription of it by the granter], or in the case of form E the grantor and the consenter to the variation, 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[^{F21}, which also makes provision as regards the authentication of an electronic document].]

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Textual Amendments

- F19** Sch. 4 Note 7 added (1.8.1995) by 1995 c. 7, ss. 14(1), 15(2), **Sch. 4, para. 45(b)** (with ss. 9(3)(5)(7), 13, 14(3))
- F20** Words in Sch. 4 Note 7 substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(22)(e)(i)** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F21** Words in Sch. 4 Note 7 inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **sch. 5 para. 17(22)(e)(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](#)