

Status: Point in time view as at 25/09/1991.

Changes to legislation: Titles to Land Consolidation (Scotland) Act 1868 is up to date with all changes known to be in force on or before 23 May 2024. 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)

SCHEDULES REFERRED TO IN FOREGOING ACT

SCHEDULE (A.)

No.1. F1

Textual Amendments

F1 Sch. (A.) No. 1 repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

No. 2.

C A P. XXXV.

Modifications etc. (not altering text)

C1 The text of Sch. (A.) No. 2, now spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

An Act to simplify and diminish the Expense of obtaining Investment in Heritable Property in Scotland. [21st July 1845.]

VI And be it enacted, That where Investment is to be completed under aPrecept issuing from the Office of Chancery, which Precept has hitherto been directed to the Sheriff of the County in which the Lands or some Part thereof lie, such Precept shall after the said First Day of October, be addressed to any Notary Public :

Provided always, that such Precept shall be null and void unless an Instrument of Sasine thereon be recorded in the General Register of Sasines, or the Register of Sasines applicable to the Lands therein contained, before the first Term of Whitsunday or Martinmas posterior to the Date of such Precept, without Prejudice to a new Precept being issued as heretofore, and that before such Precept is issued from Chancery the Retour Duties and Casualties due to the Crown shall be paid to the proper Officer there, who shall account to the Exchequer for the same in like Manner as the Sheriffs were wont to do ; and the same Officer shall also receive at the same Time certain Fees on behalf of the Sheriffs, Sheriffs Substitute, and Sheriff Clerks of the Counties in which the Lands lie, and on which Sasine would have been taken according to the Form heretofore in use, and to whom such Officer shall account for the same, in place of the Fees which they have heretofore been in use to receive, but such Fees shall be paid only during the Existence of the respective Interests of the present Sheriffs, Sheriffs Substitute, and Sheriff Clerks in their respective Offices; and the Lords of Council and Session are hereby authorized and required, by an Act

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or Acts of Sederunt, to regulate and determine the Amount Regard to the existing Interest of each.

SCHEDULE (B.)

NO. 1

Formal Clauses of a Disposition of Land, etc F2

Textual Amendments

F2 Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

[*After the inductive and dispositive clauses, the deed may proceed thus:*] With entry at the term of [*here specify the date of entry*]; to be holden the said lands and others [*orsubjects*] a me [*ora me vel de me, as the case may be*]; . . . ^{F2} and I assign the writs, and have delivered the same according to inventory; and I assign the rents; and I bind myself to free and relieve the said disponee and his foresaids of all feu duties, casualties, and public burdens; and I grant warrandice; and I consent to registration hereof for preservation [*orfor preservation and execution*]. In witness whereof [*insert a testing clause in the usual form*].

Note.—The clauses are assumed here as occurring in a disposition, but they may be used in other deeds and conveyances; and in the event of it being necessary to omit, vary, or qualify any one or more of them, this may be done, and the other clauses may be retained.

NO. 2

Formal Clauses of a Disposition of Land, etc., held Burgage

[*After the inductive and dispositive clauses, the deed may proceed thus:*] With entry at the term of [*here specify the date of entry*]; to be holden the said lands and others [*orsubjects*] of Her Majesty in free burgage; and I assign the writs, and have delivered the same according to inventory; and I assign the rents; and I bind myself to free and relieve the said disponee and his foresaids of all ground annual, cess, annuity, and other public burdens; and I grant warrandice; and I consent to the registration hereof for preservation [*orfor preservation and execution*]. In witness whereof [*insert a testing clause in the usual form*].

Note.—The clauses are assumed here as occurring in a disposition, but they may be used in other deeds and conveyances; and in the event of it being necessary to omit, vary, or qualify any one or more of them, this may be done, and the other clauses may be retained.

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SCHEDULE (C.)

Clause of Reference to Destinations and Conditions of Entail, etc.

[*After inserting such part of the destination as may be thought necessary, add*] and to the other heirs specified in a disposition and deed of entail [*or as the case may be*] of the said lands executed by the deceased, *E.F.*, dated the day of , in the year , and recorded in the register of tailzies on the day of in the year , [*or in the said disposition and deed of entail dated and recorded as aforesaid, or in a deed [or instrument specify the deed or conveyance] recorded [specify register of sasines] upon the day of in the year]*.

[*And after the description of the lands insert*] but always with and under the conditions, provisions, and prohibitory, irritant, and resolute clauses [*or clause authorising registration in the register of tailzies, as the case may be,*] contained in the said disposition and deed of entail, dated and recorded as aforesaid [*or in (specify deed or conveyance) recorded in (specify register of sasines) upon the day of in the year]*.

[*And in subsequent clauses in which it is usual or requisite to refer again to the conditions of the entail, &c. the reference may be made thus:*] but always with and under the conditions, provisions, and prohibitory irritant and resolute clauses [*or clause authorizing registration in the register of tailzies, as the case may be,*] before referred to.

SCHEDULE (D.)

Modifications etc. (not altering text)

C2 Sch. (D) excluded by [Land Registration \(Scotland\) Act 1979 \(c. 33\), s. 15\(2\)\(a\)](#)

Clause of Reference to Real Burdens, Conditions, &c., in Investiture

[*After the description of the lands, instead of inserting the burdens, &c. at length, these may be referred to as follows, viz.:*] but always with and under the real burdens, conditions, provisions, and limitations [*or such of these as may apply or have reference to the case*] specified in a deed [*or instrument here specify a deed or conveyance in which the burdens, &c., were first inserted, or any subsequent deed or conveyance in which they are inserted, forming part of the progress of the titles to the lands*] recorded [*specify register of sasines or, if the deed or conveyance as recorded has been previously referred to, say in the said deed [or instrument] recorded as aforesaid*] on the day of in the year .

[*And in subsequent clauses in which it is requisite or usual to refer again to the burdens, &c. the reference may be made thus:*] but always with and under the real burdens, conditions, provisions, and limitations [*or such of these as may apply or have reference to the case*] before referred to.

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F³SCHEDULE (E.)

Textual Amendments

F3 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos. 1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

SCHEDULE (F.)

No. 1

Clause of Direction specifying Part of Deed which Grantor desires to be recorded

And I direct to be recorded in the register of sasines the part of this deed from its commencement to the words [*insert words*] on the line of the page [and also the part from the words [*insert words*] on the line of the page to the words [*insert words*] on the line of the page]. [*Or; I direct the whole of this deed to be recorded in the register of sasines, with the exception of the part [or parts, as the case may be, specifying the part or parts excepted, as above].*]

F⁴No. 2

Textual Amendments

F4 Schs. (F.) No. 2, (H.) repealed by [Conveyancing \(Scotland\) Act 1924 \(c. 27, SIF 98:1\)](#), **s. 10(7)** and the form of Warrant of Registration provided therein is substituted as mentioned in s. 10(1) of that Act.

SCHEDULE (G.)

Modifications etc. (not altering text)

C3 Sch. (G.) extended by [Conveyancing and Feudal Reform \(S.\) Act 1970 \(c. 55\)](#), **s. 28(5)**; excluded by [Land Registration \(Scotland\) Act 1979 \(c. 33\)](#), **s. 15(1)**

Clause of Reference to Conveyance, containing general Designation of Lands.

[*After giving the general name or names of the lands and the name of the county, or burgh and county, as the case may be, add*] as particularly described in the disposition [*or other deed, as the case may be*] granted by *C.D.*, and bearing date [*here insert date*], and recorded in the [*specify the register of sasines*] on the day of in the year , and in which the lands hereby conveyed are declared to be designed and known by the said name of, [*here insert name*], [*or “as particularly*

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described in the instrument (specify instrument) recorded, &c., and in which the lands hereby conveyed are declared.” &c.] *[If part only of lands is conveyed, then follow form for similar case given in schedule (E.)]*

^{F5}SCHEDULE (H.)

Textual Amendments

- F5** Schs. (F.) No. 2, (H.) repealed by [Conveyancing \(Scotland\) Act 1924 \(c. 27, SIF 98:1\)](#), s. 10(7) and the form of Warrant of Registration provided therein is substituted as mentioned in s. 10(1) of that Act

^{F6}SCHEDULE (I.)

Textual Amendments

- F6** Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos. 1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

SCHEDULE (J.)

Notarial Instrument in favour of Donee or his Assignee, &c.

AT there was by [oron behalf of]A.B. ofZ.,presented to me, notary public subscribing, a disposition [or other deed, oran extract of a deed,as the case may be], granted byC.D. ofY.,and dated [insert the date] by which disposition [or otherwise as the case may be], the saidC.D. sold, alienated, and disposed to the saidA.B. [orgave, granted, and disposed,or otherwise, as the case may be,to the saidA.B.] [or to E.F.], and his heirs and assignees [insert the destination, if any, so far as may be necessary], heritably and irredeemably [orredeemably,orin liferent,or otherwise as the case may be], all and whole [insert the description of the lands conveyed, and any real burdens, conditions, provisions, and limitations, or any reference to the same all as in the disposition or the deed,&c.] *[If the person expeding the instrument be other than the original donee, add]* As also there was presented to me [here specify the title or series of titles by which such person acquired right, and the nature of his right]. Whereupon this instrument is taken in the hands ofL.M. [insert name and designation of notary public] in the terms of the “Titles to Land Consolidation (Scotland) Act 1868.” In witness whereof [insert testing clause as in Schedule (I.)]

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SCHEDULE (K.)

Instrument of Resignation ad Remanentiam

AT there was by [or on behalf of] *A.B.* [here insert the name and designation of the superior], presented to me, notary public subscribing, a disposition [or other deed or extract, as the case may be], dated the day of , granted by *C.D.* [here insert the name and designation of the vassal], being the vassal in the lands after described, holding the same of the said *A.B.* as his superior thereof, by which disposition the said *C.D.* disposed to the said *A.B.* and his heirs and assignees whomsoever [or as the case may be] all and whole [here insert description of the lands as in the disposition or other deed, &c.]; in virtue of which disposition [or other deed, &c.] the said lands were resigned in the hands of the said *A.B.* [or “in the hands of *E.F.* as his commissioner duly authorized, conform to commission” describe by date and other particulars,) “as in the hands of the said *A.B.* himself”] [or “in the hands of *E.F.*, being the known agent of the said *A.B.*, and as such duly authorized in virtue of the ^{M1}Infefment Act 1845, as in the hands of the said *A.B.* himself,”] ad perpetuam remanentiam and to the effect that the right of property of the foresaid lands and others might be united and consolidated with the right of superiority of the same in the person of the said *A.B.* in all time coming. Whereupon this instrument is taken by [or on behalf of] the said “*A.B.* and *C.D.*” in the hands of &c., as in schedule (*J.*) to the end.

Marginal Citations

M1 1845 c. 35.

SCHEDULE (L.)

Notarial Instrument in Favour of a General Donee, or his Assignee, &c.

AT there was by [or on behalf of] *A.B.* of *Z.*, presented to me, notary public subscribing, a disposition [specify the disposition or other deed or instrument or extract thereof, as the case may be] recorded in the [specify register of sasines and date of recording], by which recorded disposition [or otherwise as the case may be] *C.D.* of *Y.* was infeft in all and whole [describe the lands or other subjects, as the case may be, as the same are described in the said disposition or other deed or instrument]; as also there was presented to me a general disposition [or other deed or conveyance or testamentary deed or writing, as the case may be, or an extract of such deed] granted by the said *C.D.*, and dated [insert date], by which general disposition [or otherwise as the case may be] the said *C.D.* disposed [or gave or granted or bequeathed, or otherwise as the case may be] to the said *A.B.* and his heirs and assignees or otherwise as the case may be, heritably and irredeemably [or in liferent, or otherwise as the case may be], all and sundry the whole heritable estate [or otherwise as the case may be], of which he was [or might die] possessed [or otherwise, as the case may be]. [If the deed be granted under any real burden or condition or qualification, add here, but always under the real burdens, &c. and if the deed be granted in trust, or for specific purposes, add, but always in trust or for the uses and purposes mentioned in said general disposition or otherwise as the case may be. If the person expeding the instrument be other than the original donee, or grantor or legatee under the deed add, as also there was presented to me (specify the title or series of titles by which such person acquired right, and the nature of his right.)] Whereupon, &c. as in schedule (*J.*) to the end.

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F7 SCHEDULE (M.)

Textual Amendments

- F7 S. 22, Sch. (M.) repealed by [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c. 35\)](#), s. 48, [Sch. 11 Pt. II](#)

SCHEDULE (N.)

Notarial Instrument in favour of an Assignee to an Unrecorded Conveyance, to be recorded along with the Conveyance

AT there was by [oron behalf of] *A.B.* of *Z.* presented to me notary public subscribing, a disposition [*or other deed or extract, as the case may be, specifying the nature of the deed*] granted by *C.D.* of *Y.* and dated [*insert date*], by which disposition the said *C.D.* conveyed to *E.F.* all and whole of the lands of *X.* as therein described, and which disposition is to be recorded along with this instrument; as also there was presented to me [*specify the title or series of titles by which A.B. acquired right, and the nature of his right*]. Whereupon, &c., *as in schedule (J.) to the end.*

Note.—Before being presented for registration along with the disposition or other deed and warrant of registration thereon, the notarial instrument must be docquetted in or as nearly as may be in the form following, viz.,

“Docquetted with reference to warrant of registration on behalf of *A.B.*, written on the said disposition (or other deed, as the case may be).”

The docquet shall be signed by the person or his agent or agents signing the warrant.

SCHEDULE (O.)

Notarial Instrument in favour of a Trustee in a Sequestration or of Liquidators of Joint Stock Companies

AT there was, by [*or on behalf of*] *A.B.*, as trustee on the sequestrated estate of *C.D.*, [*or as liquidator for winding up the, specify name of company, or partner thereof for whom liquidator acts*] presented to me, notary public subscribing, a disposition [*or other deed or extract, as the case may be*], [*insert date*], recorded in the [*specify register and date of recording*], by which, &c. [*specify the title or series of titles by which the bankrupt, or company, or partner thereof, as the case may be, held the lands*], as also there was presented to me an extract act and warrant of confirmation in favour of the said *A.B.*, dated [*insert date*] [*or here specify the appointment of the liquidator or liquidators, and the date thereof*]. Whereupon, &c., *as in schedule (J.) to the end.*

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[^{F8}SCHEDULE (P.)]

Textual Amendments

- F8** Ss. 27–38, 40–48, 50, Schs. (P.), (Q.) which were repealed by Succession (Scotland) Act 1964 (c. 41), Sch.3 are revived, without prejudice to Succession (Scotland) Act 1964 (c. 41), s. 37(1)(d), by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55), s. 6—(a) in so far as they provide; and (b) for the purpose only of providing a procedure whereby the heir of a last surviving trustee in a trust, called as heir of provision in the trust destination, may establish his entitlement to act as trustee by having himself served as heir in general to the last surviving trustee.

Form of Petition of General Service

Unto the Honourable the Sheriff of [specify the county, or say “of Chancery,”] the petition of A. B. [here name and design the petitioner], Humbly showeth,

That the late C.D. [here name and design the ancestor to whom service is sought] died on or about the day of , and had at the time of his death his ordinary or principal domicile in the county of [or furth of Scotland as the case may be]. [In cases where the deceased died upwards of ten years before the date of the petition, and the petitioner cannot ascertain the place of the domicile, say that the late C.D. [here name and design the ancestor to whom service is sought] died on or about the day of , but the petitioner is unable to prove at what place the deceased had his ordinary or principal domicile at the time of his death.

That the petitioner is the eldest son [or state what other relationship or character of heir the petitioner bears] and nearest lawful heir in general of the said C.D. If the service is as heir of provision, say that the petitioner is the eldest son [or state what other relationship or character of heir the petitioner bears] and nearest lawful heir of provision in general of the said C.D., under and by virtue of a deed [specify the deed of provision] executed by E.F., dated the day of , or otherwise describe the deed so as to clearly identify it, or, if the service is as heir of tailzie, say that the petitioner is the eldest son [or state what other relationship &c. the petitioner bears], and nearest and lawful heir of tailzie and provision in general of the said C.D., under and by virtue of a disposition and deed of entail granted by E.F., dated the day of and recorded in the register of tailzies the day of , whereby the said E.F. conveyed the lands of M. to and in favour of J.K. [here set forth the destination, or such part thereof as may be deemed necessary, or say, and the other heirs therein mentioned]; but always with and under the conditions, provisions, and prohibitory, irritant, and resolute clauses, [or clause authorizing registration in the register of tailzies, as the case may be,] contained in the said recorded deed of entail, and here referred to as at length set forth therein.

May it therefore please your lordship to serve the petitioner nearest and lawful heir in general to the said C.D. [or whatever other character of heir is sought to be established, here set it forth.]

According to justice, &c.

[Signed by the petitioner or his mandatory.]

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[^{F9}SCHEDULE (Q.)]

Textual Amendments

- F9** Ss. 27–38, 40–48, 50, Schs. (P.), (Q.) which were repealed by Succession (Scotland) Act 1964 (c. 41), Sch.3 are revived, without prejudice to Succession (Scotland) Act 1964 (c. 41), s. 37(1)(d), by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55), s. 6—(a) in so far as they provide; and (b) for the purpose only of providing a procedure whereby the heir of a last surviving trustee in a trust, called as heir of provision in the trust destination, may establish his entitlement to act as trustee by having himself served as heir in general to the last surviving trustee.

Form of Petition of Special Service

Unto the Honourable the Sheriff of [specify the county, or say “of Chancery,”] the petition of A.B. [here name and design the petitioner], Humbly showeth,

That the late C.D. [here name and design the ancestor] died on or about the day of [state the month and the year at full length], last vest and seised in [here describe or refer as in schedule (E.) or schedule (G.) to the lands with reference to which the service is sought], conform to disposition [or other deed or conveyance] dated the day of , and along with warrant of registration thereon, on behalf of the said C.D., recorded in the register of sasines (specify register) on the day of [or conform to disposition, or whatever else was the deed of conveyance on which the ancestor’s infetment proceeded, here specify it, dated the day of, and to instrument of sasine following thereon, recorded in the register of sasines (specify register) on the day of, or otherwise specify the title of deceased, as recorded in the register of sasines]; and when the lands are held under a deed of entail, here insert the conditions, &c. at full length, or refer to them in or as nearly as may be in the form of schedule (C) or, if desired, refer to them as follows, but always with and under the conditions, provisions, and prohibitory, irritant and resolute clauses, [or clause authorizing registration in the register of tailzies, as the case may be,] contained in a deed of entail granted by G.H. [here name and design the grantor] dated the day of, in favour of I.K. [here set forth the destination, or such part thereof as may be deemed necessary, or say and the heirs therein specified], and which conditions, provisions, and prohibitory, irritant, and resolute clauses, [or clause authorizing registration in the register of tailzies, as the case may be,] are herein referred to as at length set forth in the said deed of entail, which is recorded in the register of tailzies on the day of [or as at length set forth in the above-mentioned recorded disposition, or other deed or conveyance in favour of the deceased, or as at length set forth in any other recorded deed or conveyance. And in every case where there are any real burdens, conditions, provisions, or limitations proper to be inserted or referred to, insert them here or refer to them in or as near as may be in the form of schedule (D.)]

That the petitioner is the eldest son [or state what other relationship or character the petitioner bears] and nearest lawful heir in special of the said C.D. in the lands and others aforesaid. [If the service is as heir of provision, say, that the petitioner is the eldest son (or state what other relationship or character the petitioner bears) and nearest lawful heir of provision in special of the said C.D. in the lands and others aforesaid, under and by virtue of a deed [or other conveyance] executed by E.F., dated [here describe the deed or conveyance by date, or otherwise describe it so as clearly to identify it.] And if the service is as heir of entail, say, that the petitioner is the eldest son (or state what other relationship or character the petitioner bears), and nearest and lawful heir of tailzie and provision in special of the said C.D. in the lands and others aforesaid, under and by virtue of the said deed of entail.

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[If it is wished to embrace a service in general in the same character as that in which special service is sought, say, that the petitioner is likewise heir in general, or of provision in general, or of tailzie and provision in general, or otherwise, as the case may be, of the said C.D.]

May it therefore please your lordship to serve the petitioner nearest and lawful heir [or heir of provision or heir of tailzie and provision, or otherwise, as the case may be, in special of the said deceased C.D. in the lands and others above described [and where a general service is wished, add, and likewise nearest lawful heir (or heir of provision, or heir of tailzie and provision) in general of the said C.D., or whatever else is the character of heir sought to be established, here set it forth as above]. And where the service is as heir of tailzie and provision, say here, but always with and under the conditions, provisions, prohibitory, irritant, and resolute clauses, [or clause authorising registration in the register of tailzies,] above referred to or above written]; and where there are real burdens, &c., say, but always with and under the real burdens, &c., above referred to [or above written]. And where there are several parcels of land or separate estates, here add, if desired, and to grant warrant to the director of Chancery to issue separate extract decrees applicable to one or more of such parcels of land or separate estates.

According to justice, &c.

[Signed by the petitioner or his mandatory.]

F10 SCHEDULE (R.)

Textual Amendments

F10 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos. 1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

SCHEDULE (S.)

Note for *A.B.* [*insert Name and Designation*]

THE SAID *A.B.* humbly prays that a writ [*or charter, or precept, or other deed, as the case may be*] may be granted by Her Majesty [*or the Prince and Steward of Scotland, as the case may be*] in terms of the draft herewith lodged and marked as relative hereto.

(Signed) *C.D.* (W.S.) agent for the said *A.B.*

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SCHEDULE (T.)

F11F11 NO. 1

Textual Amendments

F11 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by Statute Law Revision Act 1893 (c. 14)

F11

NO. 2

Crown Charter of Resignation

Victoria, &c. We do hereby give, grant, and dispo~~n~~e, and for ever confirm to *A.B.* and his heirs and assignees whomsoever [*or in case there be a substitution of heirs, here insert it at full length, or refer to it as in schedule(C.)*], heritably and irredeemably, all and whole [*here insert, or refer as in schedule(E.) or schedule(G.), as the case may be, to the lands. In case there be any conditions of entail, or any real burdens,&c., proper to be inserted or referred to, insert them here immediately after the description of the lands, or refer to them as in schedule(C.) or schedule(D.), as the case may be*], which lands and others formerly belonged to *C.D.*, holden by him immediately of the Crown, in terms of [*here state briefly the investiture of the last entered vassal, whether a Crown precept and sasine, or Crown charter and sasine, or other Crown writ, as recorded in the register of sasines, or otherwise, as the case may be*], and were at the date of applying for these presents resigned by him into our hands by virtue of a procuratory [*or clause*] or resignation contained in a disposition [*or other deed or conveyance, as the case may be*] of the said lands and others granted by him in favour of the said *A.B.*, dated [*here insert the date*], to be holden, the said lands and others, of us, and our royal successors, in free blench farm for ever, paying therefor a penny Scots yearly of blench duty, if asked only, [*or if the lands were held formerly in ward, say here, in free blench as in room of ward, paying therefor a penny Scots yearly, as in room of the ward duties, if asked only, or if held in feu farm, say here, in feu farm, and specify the feu duty and other duties and services or otherwise, as the case may be*].

In witness whereof, we have ordered the seal now used for the Great Seal of Scotland to be appended hereto of this date [*if the vassal desires the seal to be appended, say here, and the same is accordingly at the request of the said A.B. appended,*] at Edinburgh, the day of [*state the day, month, and year*].

[*Signed by the Director of Chancery, or his depute or substitute.*]

F12F12 NO. 3

Textual Amendments

F12 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos.1, 3, (V.), (AA.) Nos. 1, 2 repealed by Statute Law Revision Act 1893 (c. 14)

F12

Status: Point in time view as at 25/09/1991.

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NO. 4

Crown Charter of Confirmation

VICTORIA, &C. We do hereby confirm for ever, to and in favour of *A.B.* and his heirs and assignees whomsoever [*or in case there be a substitution of heirs, here insert it at full length, or refer to it as in schedule(C.)*], heritably and irredeemably, all and whole [*here insert, or refer as in schedule(E.) or schedule(G.), as the case may be, to the lands to be confirmed. In case there be any conditions of entail, or any real burdens,&c. proper to be inserted or referred to, insert them here immediately after the descriptions of the lands, or refer to them as in schedule(C.) or schedule(D.), as the case may be,*] and a [*here specify the deed or conveyance which is to be confirmed in favour of A.B., and if the same has been recorded with warrant of registration in his favour, add, with warrant of registration thereon in favour of the said A.B.,*] recorded in the [*here describe the register in which the said deed or conveyance is recorded,*] on the day of , [*or of whatever other date the said deed or conveyance, or recording thereof may be*], in so far as they relate to the lands and others hereby confirmed, to be holden, the said lands and others, of us, &c. [*as in No. 2 of this schedule*].

In witness whereof, &c. [*as in No. 2 of this schedule*].

GENERAL NOTE TO SCHEDULE(T).—When the . . . ^{F13} charters Nos ^{F13} 2 . . . ^{F13} and 4 are to be granted by or on behalf of the Prince and Steward of Scotland, they will be in similar form but will run in name of the “Prince and Steward of Scotland,” without adding His Highness’s other titles; and the lands, instead of being described as holding of Her Majesty and her royal successors, will, where it is necessary by the form of the writ or charter to specify the holding, and be described as holding of the “Prince and Steward of Scotland,” and the seal referred to in the testing clause will be the Prince’s seal.

Textual Amendments

F13 Words repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)

^{F14}SCHEDULE (U.)

Textual Amendments

F14 Ss. 58, 60, 61, 84–86, 101–103, 125, 128, 160, Schs. (U.), (W.), (DD.), (EE.), (II.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, [Sch. 3](#)

Status: Point in time view as at 25/09/1991.

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F15 SCHEDULE (V.)

Textual Amendments

F15 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos. 1, 3, (V.), (AA.) Nos. 1, 2 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

F16 SCHEDULE (W.)

Textual Amendments

F16 Ss. 58, 60, 61, 84–86, 101–103, 125, 128, 160, Schs. (U.), (W.), (DD.), (EE.), (II.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, [Sch. 3](#)

SCHEDULE (X.)

NO. 1

Petition to the Lord Ordinary for Forfeiture of Superiority where Reddendo does not exceed Five Pounds

UNTO the Honourable the Lord Ordinary on the Bills, the petition of *A.B.* humbly showeth, that by disposition dated the granted by *C.D.* of the said *C.D.* disposed to the petitioner all and whole [*here describe the subjects as in the disposition*] to be held of the disponer's superior, with warrants of resignation and infeftment:

That the petitioner's author, the said *C.D.*, held the said lands and others, of and under the late *E.F.* as his immediate lawful superior, for an annual reddendo not exceeding in value or amount five pounds sterling; that *G.H.* is the eldest son [*or whatever other relation he is*] and apparent heir of the said *E.F.*, and as such has right to the superiority of the said lands and others, but he has not made up a feudal title thereto, and is therefore not in a situation to grant entry to the petitioner, although demanded from him; and the petitioner now applies to your lordship for redress in terms of the Act [*here mention this Act*], and produces the above-mentioned disposition in his favour.

May it therefore please your lordship, in terms of the said Act, to grant warrant for serving this petition on the said *G.H.* personally, or at his dwelling place [*here add a prayer for edictal citation in the usual form, if the party is furth of Scotland*], and to ordain him, within thirty days after the date of such service [*or within sixty days if he be furth of Scotland, or in Orkney or Shetland*], to procure himself entered and infeft in the said lands and others, and to enter the petitioner in the same, on payment of the duties and casualties exigible on such entry, or else to show cause for delaying or refusing to do so, with certification that if he fail he shall forfeit and

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amit all right to the said superiority; and in the event of the said *G.H.* failing so to complete his title and grant entry to the petitioner, or to show reasonable cause why he delays or refuses so to do, to find and declare that the said *G.H.* has forfeited and amitted all right to the said superiority, and that the petitioner and his heirs and successors are entitled to hold the said lands and others in all time coming as vassals immediately of and under the next over superior by the tenure and for the reddendo by and for which the forfeited superiority was held. According to justice. &c.

NOTE.—The above form is applicable to the case where the petitioner requires a charter or writ of resignation. In other cases the form must be varied, so far as necessary, to suit the circumstances.

NO. 2

Interlocutor by Lord Ordinary on above Petition

The Lord Ordinary grants warrant to messengers-at-arms to serve the said petition and this deliverance on the said *G.H.* as prayed for, and ordains the said *G.H.* within thirty days [*or sixty days, as the case may be*] after the date of such service, to procure himself entered and infeft in the lands and others described in the petition, and to enter the petitioner in the same, on payment of the duties and casualties exigible on such entry, or else to show cause for delaying or refusing to do so, with certification that if he fail he shall forfeit and amit all right to the said superiority in terms of the said Act.

NO. 3

Decree by Lord Ordinary on above Petition

The Lord Ordinary, having resumed consideration of the said petition, with the execution thereon, now expired, in respect the said *G.H.* has not shown cause for delaying or refusing to complete his title to the superiority, and to grant an entry to the petitioner, finds and declares, that the said *G.H.* has forfeited and amitted all right to the said superiority, and that the petitioner and his heirs and successors are entitled to hold the lands and others described in the petition in all time coming as vassals immediately of and under the next over superior by the tenure and for the reddendo by and for which the said forfeited superiority was held; grants warrant to the petitioner and his foresaids to apply for and obtain an entry in the said lands and others from the said over superior, in the terms foresaid, and decerns and ordains the decree to be extracted hereon to be recorded in the register of sasines.

SCHEDULE (Y.)

NO. 1

Petition to the Lord Ordinary for Forfeiture of Feu Duties under or above Five Pounds

Unto the Honourable the Lord Ordinary on the Bills, the petition of *A.B.* humbly showeth, that by disposition dated the day of granted by *C.D.* of the said *C.D.* disposed to the petitioner all and whole [*here describe the subjects as in the disposition*] to be held of the disponent's superior, with warrants of resignation and sasine:

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That the petitioner's author, the said *C.D.*, held the said lands and others of and under the late *E.F.* as his immediate lawful superior; that *G.H.* is the eldest son [*or whatever other relation he is*] and apparent heir of the said *E.F.*, and as such has right to the superiority of the said lands and others, but he has not made up a feudal title thereto, and is therefore not in a situation to grant entry to the petitioner, although demanded from him. The petitioner now applies to your lordship for redress in terms of the Act [*here mention this Act*], and produces the above-mentioned disposition in his favour.

May it therefore please your lordship, in terms of the said Act, to grant warrant for serving this petition on the said *G.H.* personally, or at his dwelling place [*here add a prayer for edictal citation in the usual form, if the party is furth of Scotland*], and to ordain him, within thirty days after the date of such service [*or within sixty days, if he be furth of Scotland, or in Orkney or Shetland*], to procure himself entered and infeft in the said lands and others, and to enter the petitioner in the same, on payment of the duties and casualties exigible on such entry, or else to show cause for delaying or refusing to do so, with certification that if he fail he shall forfeit and amit all right to the duties and casualties payable on the entry of the petitioner, and that the petitioner shall be entitled to retain from him and his successors, as immediate superiors, the yearly feu duties and whole other prestations, until fully paid and indemnified for all the expenses of this petition and procedure to follow hereon, and for all the expenses of completing the petitioner's title in terms of the said Act; and thereafter, on resuming consideration of this petition, with or without answers, to find and declare that the said *G.H.* has forfeited and admitted all right to the dues and casualties payable on the entry of the petitioner, and that the petitioner is entitled to retain from him and his successors, as immediate superiors, the yearly feu duties and whole other prestations until fully paid and indemnified for all the expenses of this petition, and of the procedure to follow hereon, and for all the expenses of completing the petitioner's title in terms of the said Act; and also to grant warrant to the petitioner to apply for and obtain an entry in the said lands and others from the Crown [*or Prince of Scotland, or I.K.*, the mediate over superior], as acting in the vice of the said *G.H.*, and to authorize decree to the above effect to be extracted ad interim; and thereafter, upon the completion of the petitioner's title by an entry from the Crown [*or Prince of Scotland, or such mediate over superior*] as aforesaid, to remit the accounts of the expenses of this petition and procedure hereon, and of the expenses of completing the petitioner's title, to the auditor to tax the same, and to report, and to modify the amount of the said expenses, and to decern for retention of the amount thereof as aforesaid, [*if the parties have agreed to or are in treaty for a relinquishment, add, or in the event of the said G.H. relinquishing the superiority, to find, decern, and declare the same to be extinguished in manner and to the effect expressed in the Statute*] or to do otherwise in the premises as to your lordship shall seem just. According to justice. &c.

NOTE.—The above form is applicable to the case where the petitioner requires a writ of registration. In other cases the form must be varied so far as necessary to suit the circumstances.

NO. 2

Interlocutor by Lord Ordinary in above Petition

The Lord Ordinary grants warrant to messengers-at-arms to serve the said petition and this deliverance on the said *G.H.*, as prayed for, and ordains the said *G.H.*, within thirty days [*or sixty days, as the case may be*] after the date of such service, to procure himself entered and infeft in the lands and others described in the petition, and to enter the petitioner in the same, on payment of the duties and casualties exigible on such entry, or else to show cause for delaying or refusing to do so, with certification that if he fail he shall forfeit and amit all right to the duties and casualties payable on the petitioner's entry, and that the petitioner shall be entitled to

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retain from him and his successors, as immediate superiors, the yearly feu duties and the whole other prestations, until fully paid and indemnified for the expenses of the petition and procedure thereon, and for all the expenses of completing the petitioner's title in terms of the said Act.

NO. 3

Decree by Lord Ordinary in above Petition

The Lord Ordinary, having resumed consideration of the said petition, with the execution thereon, now expired, in respect the said *G.H.* has not shown cause for delaying or refusing to complete his title to the superiority and to grant an entry to the petitioner, finds and declares, that the said *G.H.* has forfeited and admitted all right to the duties and casualties payable on the entry of the petitioner, and that the petitioner is entitled to retain from him and his successors, as immediate superiors, the yearly feu duties and whole other prestations, until fully paid and indemnified for all the expenses of the said petition and procedure thereon, and for all the expenses of completing the petitioner's title; grants warrant to the petitioner to apply for and obtain an entry in the lands and others described in the petition from the Crown [*or* Prince of Scotland, *or* *I.K.*, the mediate over superior], as acting in vice of the said *G.H.*, and decerns and allows this decree to go out and be extracted ad interim; and, on the petitioner's title being completed, appoints accounts of the expenses of the petition and procedure thereon, and of completing the title, to be lodged, and remits the same, when lodged, to the auditor to tax and report.

NO. 4

Finding for Expenses in above Petition

The Lord Ordinary approves of the auditor's report on the petitioner's account of expenses, modifies the same to £ sterling, and decerns against the said *G.H.* for payment thereof to the petitioner by retention, as prayed for [*or* personally against the said *G.H.*, *as the case may be*].

SCHEDULE (Z.)

NO. 1

Writ of Confirmation on Decree of Forfeiture in case of Feu Duties above Five Pounds

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. We confirm this disposition [*or other deed or conveyance, as the case may be*] in favour of *A.B.*; to be holden the said lands and others of the Crown as in room of *G.H.* [*here name and design the person against whom decree has been obtained*], the eldest son [*or whatever other relation he may be*] or *E.F.* [*here name and design the person last infeft in the superiority*], who was last infeft in the immediate superiority of the said lands, in respect that the said *G.H.* having failed to complete his title to the said superiority, and to grant an entry to the said *A.B.*, the said *A.B.*, in virtue of an Act [*here set forth the title of this Act*], obtained a decree by the Lord Ordinary on the Bills, dated the granting warrant to the said *A.B.* to apply for and obtain an entry in the said lands and others from the Crown, as acting in vice of the said

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G.H., and that while and so long as the said *G.H.* and his successors, the immediate superiors thereof, shall remain unentered, and thereafter until a new entry shall become requisite, and that by the same tenure by which the same were or might have been holden of the said *G.H.*; and for payment to him and his successors, who are properly immediate lawful superiors of the said lands and others, of the annual duties and casualties heretofore payable, but only upon the completion of their title in the superiority. Given at Edinburgh, the day of in the year .

[Signed by the Director of Chancery, or his depute or substitute.]

NO. 2

Writ of Resignation on Decree of Forfeiture in case of Feu Duties above Five Pounds

Victoria, &c. We do hereby dispone to *A.B.* [*here name the disponsee*] the lands contained in this disposition [*or other deed or conveyance, as the case may be*], in his favour, which lands formerly belonged to *C.D.* [*here name and design the disponer*], holden by him immediately of *E.F.* [*here name and design the person who died last infeft in the superiority*], in terms of [*here state the investiture of the disponer*], and now of the Crown as in vice of the immediate superior thereof, in respect that the said *E.F.* being dead, and *G.H.*, his eldest son [*or whatever other relation he may be*] and heir apparent, who is in right of the superiority, having failed to complete his title thereto, and to grant an entry to the said *A.B.*, the said *A.B.*, in virtue of an Act [*here set forth the title of this Act*], obtained a decree by the Lord Ordinary on the Bills, dated the day of granting warrant to the said *A.B.* to apply for and obtain an entry in the said lands and others from the Crown as acting in vice of the said *G.H.*, and which lands and others have been resigned into our hands as in vice of the *G.H.*, by virtue of the clause [*or procuratory*] of resignation contained in this disposition [*or other deed or conveyance, as the case may be*]; to be holden the said lands and others of the Crown as in room of the said *G.H.*, who is properly the immediate lawful superior thereof, while and so long as he and his successors, the immediate superiors thereof, shall remain unentered, and thereafter until a new entry shall become requisite, and that by the same tenure by which the same were or might have been holden of the said *G.H.*; and for payment to him and his successors, who are properly the immediate lawful superiors of the said lands and others, of the annual duties and casualties heretofore payable, but only upon the completion of their title in the superiority. Given at Edinburgh the day of in the year . [Signed by the Director of Chancery, or his depute or substitute.]

Note.—The writ in favour of and adjudger will be in similar terms, but under the proper modification; and a writ of clare constat from Chancery in favour of the vassal's heir, who has obtained decree against the unentered heir apparent of his superior, will be in similar terms as applied to the style of such a writ; and if the writ is by the Prince or the mediate over superior, the necessary alterations will be made.

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SCHEDULE (AA.)

NOS. 1, 2.....^{F17}

Textual Amendments

F17 Ss. 16, 49, 53, 56, 57, 80–82, 89, 94, 95, 97–99, 115, Schs. (E.), (I.), (R.), (T.) Nos. 1, 3, (V.), (AA.) Nos. 1, 2 repealed by Statute Law Revision Act 1893 (c. 14)

NO. 3

Writ of Clare constat proceedings on a Decree of Forfeiture or Relinquishment

I, *A.B.*, immediate lawful superior of the lands and others after mentioned, in virtue of a decree of forfeiture [*or relinquishment, as the case may be*] against *G.H.*, heir apparent of my immediate vassal last infeft in the said lands and others, pronounced by Lord Ordinary on the Bills, dated the day of in a petition at the instance of *C.D.* [*here name and design the heir in whose favour the writ is to be granted*]: whereas by authentic instruments and documents it clearly appears that *E.F.*, [*here name and design the ancestor*] died last vest and seised as of fee in, &c. [*as in schedule (W.) No. 1. down to and including the statement of the relationship and character of heir which the party holds*]; and that the said lands and others are, in virtue of the said decree, now holden of me and my successors, as superiors thereof, in free blench farm, [*or feu farm, as the case may be, according to the tenure by which the forfeited or relinquished superiority was held,*] for ever, for payment of [*here specify the reddendo for which the forfeited or relinquished superiority was held*]. Therefore, I hereby declare the said *C.D.* to be the heir entitled to succeed to the said *E.F.* in the said lands to be holden of me and my foresaids for payment of the said duties. In witness whereof [*insert a testing clause in the usual form*].

Note.—Where the next superior is the Crown, writs by the Crown will be granted in similar terms to the above, but adapted to the forms of Chancery.

SCHEDULE (BB.)

NO. 1

Form of Minute of Relinquishment of Superiority by Apparent Heir

Minute of Relinquishment by as Heir Apparent of in the Lands after-mentioned in the Petition at the Instance of [*here name and describe the petitioner*].

I, *A.B.*, eldest lawful son [*or whatever relation he may be*] and nearest lawful heir apparent of *C.D.*, the person last infeft in the superiority of the lands of [*here describe the lands fully*], which right of superiority is holden immediately of and under the Crown [*or other over superior, as the case may be*], do absolutely and gratuitously [*or if any price paid, say, in consideration of £ sterling to be paid to me*] relinquish and renounce the superiority of the said lands to which I hold right as heir apparent aforesaid in favour of the petitioner and his successors in the said

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lands. In witness whereof, &c. [*To be signed by the party, or by his mandatory or agent duly authorized in writing, and duly tested.*]

NO. 2

Minute of Acceptance of above Relinquishment

I accept relinquishment in terms of this minute. [*To be signed by the petitioner, or his counsel or agent.*]

NO. 3

Decree of Lord Ordinary following on the above Minutes

The Lord Ordinary interpones his authority to the minute of relinquishment lodged by the respondent, and decerns and declares the right of superiority thereby relinquished to be extinguished to the effect of giving right to the petitioner and his successors to hold the lands and others described in the petition, immediately of and under the party who is superior of the feu now given up and extinguished, and by the tenure and for the reddendo by and for which the relinquished feu was held, and decerns and appoints the decree to be extracted hereon to be recorded in the register of sasines.

SCHEDULE (CC.)

NO. 1

Deed of Relinquishment of Superiority

I, *A.B.*, immediate lawful superior of all and whole [*here describe the lands*], do hereby absolutely and gratuitously, [*or in consideration of the sum of pounds paid to me, or, if the superiority is entailed, consigned in the (specify bank) subject to the orders of the Court of Session,*] relinquish and renounce my right of superiority of the said lands in favour of *C.D.*, my immediate vassal, and his successors therein, and declare that the said lands shall no longer be held of me as superior, but shall be held of my immediate lawful superior in all time to come. In witness whereof [*insert testing clause in the usual form*].

NO. 2

Acceptance by Vassal written on Deed of Relinquishment

I, *C.D.*, the immediate vassal in the lands described in this deed, accept the relinquishment of the superiority of the said lands. In witness whereof [*insert a testing clause in the usual form*].

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NO. 3

Crown Writ of Investiture written on Deed of Relinquishment

VICTORIA,&c. We, lawful superior of the lands contained in this deed, accept and receive C.D.,and his heirs and successors whomsoever [*or otherwise, according to the destination contained in the title to the lands*], in place of E.F.,and his heirs and successors, in virtue of the above deed of relinquishment, and acceptance thereof; to be holden the said lands by the said C.D. and his foresaids of us, &c. [*specify the tenendas and reddendo contained in the titles of the relinquished superiority; also insert or refer to the conditions and limitations, if any, under which the lands are held by the vassal as in No. 1 schedule(U.)*]. Given at Edinburgh, the day of in the year [*Signed by the Director of Chancery, or his depute or substitute.*]

Note.—If the writ is by the Prince or the mediate over superior the necessary alteration will be made.

^{F18}SCHEDULES (DD.), (EE.)

Textual Amendments

F18 Ss. 58, 60, 61, 84–86, 101–103, 125, 128, 160, Schs. (U.), (W.), (DD.), (EE.), (II.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\), s. 37, Sch. 3](#)

SCHEDULE (FF.)

Modifications etc. (not altering text)

C4 Sch. (FF.) amended by [Conveyancing \(Scotland\) Act 1924 \(c. 27\), s. 25](#)

NO. 1

Form of a Bond and Disposition in Security

I,A.B.,[*here name and design the grantor;*] grant me to have instantly borrowed and received fromC.D. [*here name and design the creditor*] the sum of [*insert the sum*] sterling; which sum I bind myself, and my heirs, executors, and representatives whomsoever, without the necessity of discussing them in their order, to repay to the saidC.D.,his executors . . . ^{F19} or assignees whomsoever, at the term of [*here insert the date and place of payment*], with a fifth part more of liquidate penalty in case of failure, and the interest of said principal sum at the rate ofper centum per annum from the date hereof to the said term of payment, and half-yearly, termly, and proportionally thereafter, during the not-payment of the same, and that at two terms in the year, Whitsunday and Martinmas, by equal portions, beginning the first term's payment of the said interest at the term of next, for the interest due preceding that date, and the next term's

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payment thereof at following, and so forth half-yearly, termly, and proportionally thereafter during the not-payment of the principal sum, with a fifth part more of the interest due at each term of liquidate penalty in case of failure in the punctual payment thereof. And in security of the personal obligation before written I dispoone to and in favour of the said *C.D.* and his foresaids, heritably, but redeemably as after mentioned, yet irredeemably in the event of a sale by virtue hereof, all and whole [*here described or refer as in schedule(E.) or schedule(G.) to the lands*] (a), and that in real security to the said *C.D.* and his foresaids of the whole sums of money above written, principal, interest, and penalties; and I assign the rents, and I assign the writs, and I grant warrandice, and I reserve power of redemption, and I oblige myself for the expenses of assigning and discharging this security; and on default in payment I grant power of sale; and I consent to registration for preservation and execution. In witness whereof, &c. [*insert a testing clause in usual form*].

(a) If the lands are held under any real burdens, conditions, provisions, or limitations, insert them here or refer to them in or as nearly as the circumstances may require in the form of schedule (D.).

Textual Amendments

F19 Words repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, [Sch. 3](#)

No. 2

Form of Schedule of Intimation, Requisition, and Protest

I, *A.B.* [*design him*], procurator for *C.D.* [*design creditor in right of the security*], in whose favour the bond and disposition in security after mentioned was granted, [*or, if he is not the original creditor; now in right of the bond and disposition in security after mentioned,*] do hereby give notice to you *E.F.* [*design debtor under the security*] that payment is now required of the sum of £ being the principal sum due under the bond and disposition in security, dated and recorded, granted by you *E.F.* [*or by G.H.*] in favour of the said *C.D.* [*or original creditor*], [*if C.D. is not the original creditor, add, to which C.D. has now right by various transmissions, but these transmissions need not be particularly specified*], and of the sum of £, being the interest due at present on the said principal sum, with such further sum of interest as shall accrue on the said principal sum till paid. And I further give you notice, that if at the expiry of the period of three months from the date hereof the sums, principal and interest, and liquidate penalty incurred and to be incurred, of which payment is now required, shall not be paid in terms of the said bond and disposition in security, then the said *C.D.*, or the person or persons who may then be in right of the said bond and disposition in security, may proceed to sell the lands and others [*or subjects*] thereby conveyed in the manner provided by the “^{M2}Titles to Land Consolidation (Scotland) Act 1868,” and with all powers and privileges conferred on or competent to creditors under bonds and dispositions in security by that Act. This I do at on the day of before and in the presence of *L.M.*, notary public, and *N.O.* and *P.Q.* [*design them*] witnesses to the premises, called and required, and hereto with me subscribing.

Marginal Citations

M2 [1868 c. 101](#).

(Signed) *A.B.*

Status: Point in time view as at 25/09/1991.

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N.O., Witness.

P.Q., Witness.

NO.3

Certificate by Notary on Copy of foregoing Schedule

I certify that what is above written is a true copy.

(Signed) L.M., Notary Public.

SCHEDULE (GG.)

Form of Assignment of a Bond and Disposition in Security constituted by Infeftment

I, A.B., [name and design cedent,] in consideration of the sum of [insert sum] now paid to me by C.D. [name and design assignee], do hereby assign and dispone, to and in favour of C.D. and his executors . . . ^{F20} and assignees whomsoever a bond and disposition in security, [or heritable bond, or other security, as the case may be,] dated the [insert the date, and when recorded, add and recorded as after mentioned], for the sum of [insert sum] granted by E.F. [name and design debtor] in my favour, [or in favour of G.H., as the case may be,] with interest from the [insert date], and also all and whole [describe or refer as in Schedule E.) or Schedule (G.), as the case may be, to the lands] (a), all as specified and described in the said bond and disposition in security, and instrument of sasine thereon, [if the bond is recorded omit the words “and instrument of sasine thereon,”] recorded in the [here specify the register of sasines in which the sasine or bond is registered] on the [specify date of registration] (b). In witness whereof, &c. [insert a testing clause in usual form].

Textual Amendments

F20 Words repealed by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, [Sch. 3](#)

(Signed) A.B.

G.H., Witness.

I.K., Witness.

Note.—(a) Where the assignment is made under any real burdens, conditions, provisions, or limitations, here insert or refer to them in or as nearly as the circumstances of the case may require in the form of schedule (D.)

(b) If the assignment is granted, not by the original creditor in the security, but by a person to whom the security has already been assigned, or in whom it has become vested by succession or diligence, the conveyance will shortly narrate here the title or series of titles by which the grantor of the conveyance has right to it.

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SCHEDULE (HH.)

Form of Instrument in favour of an Assignee to an Heritable Security following on a Deed granted for further Purposes or Objects.

AT there was by [oron behalf of] *A.B.* of *Z.*, presented to me, notary public subscribing, a bond and disposition in security [or *other security, or extract, as the case may be*], dated [insert date, and where recorded in the register of sasines, insert date of recording, and specify register of sasines, and where sasine has been expedite thereon, add and sasine thereon, recorded in the (specify register of sasines) on the (insert date), granted by *C.D.* [insert designation] in favour of *E.F.* [insert designation], by which bond and disposition in security [or *as the case may be*] the said *C.D.* bound and obliged himself [insert the personal obligation so far as necessary, and disposition of the lands in security, with the description of them, and also all real burdens, &c., if any, all as set forth at full length or by reference in the bond and disposition or other security]. As also there was presented to me an assignation [or *other conveyance or extract*], dated [insert date], granted by the said *E.F.*, but which the said *E.F.* assigned the said bond and disposition in security [or *other security, as the case may be*], and sums of money and lands therein contained, to the said *A.B.*, and his heirs, executors, and representatives whomsoever [or *otherwise, as the case may be, and if the deed be granted in trust, or for specific purposes, add but in trust always, or for the uses and purposes specified in said assignation, or otherwise, as the case may be. If the person in whose favour the instrument is taken is not the disponee of the original creditor; but of one who has acquired right to the security, here specify shortly the title or series of titles by which the deceased acquired such right*]. Whereupon, &c., as in schedule (J.) to the end.

^{F21}SCHEDULE (II.)

Textual Amendments

F21 Ss. 58, 60, 61, 84–86, 101–103, 125, 128, 160, Schs. (U.), (W.), (DD.), (EE.), (II.) repealed by [Succession \(Scotland\) Act 1964 \(c. 41\), s. 37, Sch. 3](#)

^{F22}SCHEDULE (JJ.)

Textual Amendments

F22 [Sch. \(JJ.\)](#) repealed except in so far as relating to completion of title by executors and by disponees or assignees under a deed or conveyance inter vivos by [Succession \(Scotland\) Act 1964 \(c. 41\), s. 37, Sch. 3](#)

Form of Instrument in favour of an Executor or Heir of a Creditor who died intestate in right of an Heritable Security

AT there was by [oron behalf of] *A.B.* of *Z.*, &c., [as in schedule (HH.) down to and including the description of the lands and the reference, if any, to real burdens]. As also there was presented

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to me testament dative of the said deceased *E.F.*, expedite before the commissary of the county of on the [*insert date of confirmation*], whereby the said *A.B.* was ordained and confirmed executor dative of the said deceased *E.F.* (if there are more than one executors dative appointed the necessary alterations to be made) [*ora decree of general (or special) service in favour of the said *A.B.* as (specify character in which heir was served) to the said *E.F.*, dated (insert date of service), expedite before the sheriff of and recorded in Chancery the day of] , whereby the said *A.B.* acquired right to the said bond and disposition in security [*or as the case may be, and if the person in whose favour the instrument is taken is not the executor or heir of the original creditor, but of one who has acquired right to the security, here specify shortly the title or series of titles by which the deceased acquired such security*]. Whereupon, &c., [*as in schedule(J.) to the end.*]]*

[^{F23}SCHEDULE (KK.)

Textual Amendments

- F23** Sch. (KK.) repealed except in so far as relating to completion of title by executors and by disponees or assignees under a deed or conveyance inter vivos by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, [Sch. 3](#)

Form of Instrument in favour of the Executors or Executor nominate, or of the Donee or Legatee of a Creditor in right of an Heritable Security

At there was by [*or on behalf of*] *A.B.* of, &c., [*as in schedule(HH.) down to and including description of lands and the reference to real burdens*]. As also there was presented to me a testament [*or general disposition, or trust disposition and settlement, or other testamentary deed or writing, or extract, or otherwise, as the case may be*], dated [*insert date*], granted by the said deceased *E.F.*, [*if necessary, say, who died after (or before, as the case may be) the commencement of the Titles to Lands Consolidation Act 1868*], by which the said *E.F.*, nominated the said *A.B.* to be his executor, [*or assigned and disposed his whole heritable and moveable estate, or otherwise, as the case may be, or gave and bequeathed his whole moveable estate and effects to the said deceased *A.B.*; or gave and bequeathed the said bond and disposition in security, and sums therein contained, to the said *A.B.*: and if the deed be granted in trust, or for specific purposes, add but in trust always, or for the uses and purposes specified in said deed, or otherwise, as the case may be, whereby the said *A.B.* is now in right of said bond and disposition in security (or as the case may be). If the person in whose favour the instrument is taken is not the executor, donee, assignee, or legatee of the original creditor, but of one who has acquired right to the security, here specify shortly the title or series of titles by which the deceased acquired such security*]. Whereupon, &c., [*as in schedule(J.) to the end.*]]

SCHEDULE (LL.)

Form of Instrument in favour of a Trustee on a sequestrated Estate, or of Liquidators of a Joint Stock Company in right of an Heritable Security

AT there was by [*or on behalf of*] *A.B.* (*design him as in schedule(O.)*) presented to me, &c., [*as in schedule(H.H.) down to and including description of lands and reference to real burdens, if any*]. As also there was presented to me extract act and warrant of confirmation in favour of the said *A.B.* [*or here specify the appointment of the liquidator or liquidators*], dated [*insert date*],

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whereby the said *A.B.*, as trustee [or liquidator, or as the case may be], has right to the said bond and disposition in security (or as the case may be). *If the bankrupt or company or partner is not the original creditor, here specify shortly the title or series of titles by which the bankrupt or company or partner acquired right to the debt.* Whereupon, &c. [as in schedule(J.) to the end.]

[^{F24}SCHEDULE (MM.)

Textual Amendments

- F24** Sch.(MM.) repealed except in so far as relating to completion of title by executors and by disponees or assignees under a deed or conveyance inter vivos by [Succession \(Scotland\) Act 1964 \(c. 41\)](#), s. 37, [Sch. 3](#)

Form of Instrument of an Unrecorded Bond and Disposition in Security, or Unrecorded Assignment in Favour of the Executor or Donee, or Assignee, or Legatee, or Heir of the Creditor

AT there was by [or on behalf of] *A.B.* [insert designation], presented to me, notary public subscribing, a bond and disposition in security [or other security, or an assignment of the bond and disposition in security after mentioned, or extracts, as the case may be,] granted by *C.D.* [insert designation] and dated [insert date], by which bond and disposition in security the said *C.D.* bound and obliged himself, [insert the personal obligation and disposition of the lands in security, with the description of them, and also all real burdens, &c., if any, all as set forth at full length or by reference in the bond and disposition in security, or other security, or, in the case of an assignment, say, by which assignment the said *C.D.* assigned to the said *A.B.* a bond and disposition in security, or other security, granted by (insert name and designation of grantor of bond) in favour of the said *C.D.*, dated (insert date), and recorded (insert date of recording and specify register, or in the case of the security having been followed by sasine, say,) and sasine thereon, recorded (insert date of recording and specify register), for the sum of (insert sum), and also all and whole (insert the description of the lands and real burdens, &c., or reference thereto, all as contained in the assignment); as also there was presented to me [here specify the title or series of titles by which the party acquired right to the bond and disposition in security, or to the assignment, in or as nearly as the circumstances of the case will admit in the form of schedule(KK.), or in the case of a bond and disposition in security or other security to heirs, excluding executors, &c., or the creditor in which died before the commencement of this Act, say, as also there was presented to me extract decree of the general (or special) service of the said *A.B.* as heir (specify character in which served) of the said *E.F.* (here specify date, and date of recording in Chancery): Whereupon, &c. [as in schedule(J.) to the end.]]

SCHEDULE (NN.)

Form of Discharge of Bond and Disposition in Security, &c.

I, *A.B.*, in consideration of the sum of [specify sum] now paid to me by *C.D.*, do hereby discharge a bond and disposition in security [or other security], dated [insert date], and recorded [insert date of recording if recorded, and register of sasines], for the sum of [insert sum], granted by [insert name and designation of debtor], in favour of [insert name and designation of grantee], and all interest due thereon; and I declare to be redeemed and discharged thereof, and of the

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infertment following thereon, all and whole [*describe the lands*], all as specified and described in the said bond and disposition in security, dated and recorded as aforesaid, [*and if the same has been followed by sasine, here omit the words "and recorded," and add*] and instrument of sasine thereon, as the same is recorded in the [*specify the register of sasines in which the sasine is recorded*], on the [*specify date of registration*].* In witness whereof, &c. [*here insert a testing clause in usual form*].

(Signed) *A.B.*

E.F., Witness.

G.H., Witness.

*If the grantor of a discharge is not the original creditor, but one who has acquired right to the security, specify shortly here the title or series of titles by which the grantor acquired such right.

SCHEDULE (OO.)

Form of Deed of Restriction of an Heritable Security

I, A.B., in consideration of the sum of [*or if no price is paid for the restriction*] considering that *C.D.* (the debtor) has requested me to release the lands herein-after described (*or referred to*) from the security herein-after specified, but without any consideration having been paid to me therefor, do hereby declare to be redeemed and disburdened of the security constituted by a bond and disposition in security [*or other security*], dated [*insert date*], and recorded [*insert date of recording if recorded, and register of sasines*], for the sum of [*insert sum*] granted by [*insert name and designation of debtor*], in favour of [*specify name and designation of grantee*], [*and if the bond has been followed by sasine add*] and instrument of sasine thereon, dated (insert date, if any) and recorded [*specify the register and date of registration*], all and whole [*here describe the lands to be disburdened*], and I restrict the security thereby constituted to the lands and others contained in the said bond and disposition in security other than those hereby disburdened. [*If the grantor of the deed is not the original creditor, but one who has acquired right to the security, here specify shortly the title or series of titles by which the grantor acquired such right.*] In witness thereof, &c. [*here insert a testing clause in usual form*].

(Signed) *A.B.*

E.F., Witness.

G.H., Witness.

SCHEDULE (PP.)

Notice of Inhibition

Notice of letters of inhibition [*or of summons containing inhibition, as the case may be*]—*A.B.* [*insert designation of the inhibitor*] against *C.D.* [*insert designation of the inhibited*].—Signed [*insert date of signing*].

E.F., W.S. [*or S.S.C.*] Agent.

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SCHEDULE (QQ.)

Modifications etc. (not altering text)

- C5** Reference to office of the Keeper of the Record of Editorial Citations to be construed as reference to office of such clerks and officers of the Court of Session as may be appointed from time to time: [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. 8](#), S.R. & O. 1929/588 (Rev. XIX, p. 785: 1929/, p. 1305) and [Public Records \(Scotland\) Act 1937 \(c. 43\), s. 13](#)

Form of letters of Inhibition

VICTORIA, &c. To messengers-at-arms and others our Sheriffs, greeting: Whereas it is humbly shown to us by our lovite *A.B.* [*insert designation*], complainer, against *C.D.* [*insert designation*] that [*set forth as concisely as possible the document on which the inhibitor proceeds*]: Our will is herefore, and we charge you, that ye lawfully inhibit the said *C.D.*, personally or at his dwelling place if within Scotland, and if furth thereof at the office of the Keeper of the Record of Edictal Citations at Edinburgh, from selling, disposing, conveying, burdening, or otherwise affecting his lands or heritages to the prejudice of the complainer; and that ye cause register these our letters and execution hereof in the General Register of Inhibitions at Edinburgh for publication to our lieges. Given under our Signet at Edinburgh this day of in the year

SCHEDULE (RR.)

Modifications etc. (not altering text)

- C6** Sch. (RR.) applied by [Conveyancing \(Scotland\) Act 1924 \(c. 27\), s. 44\(2\)\(a\)](#)

Notice of Summons of Reduction, Adjudication, &c.

NOTICE of summons of reduction [*or of adjudication, or of constitution and adjudication, as the case may be*].—*A.B.* [*insert designation of pursuer*] against *C.D.* [*insert designation of defender*] Signeted [*insert date of signeting*].

[^{F25}The summons relates to [*insert description of lands*].

Textual Amendments

- F25** Words inserted by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1\), s. 59, Sch. 2 para. 5](#)

E.F., W.S.[*or S.S.C.*], Agent.]

Status:

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