



# Conveyancing and Feudal Reform (Scotland) Act 1970

## CHAPTER 35

### CONVEYANCING AND FEUDAL REFORM (SCOTLAND) ACT 1970

#### PART I

##### FEUDAL REFORM

###### *Variation and discharge of land obligations*

- 1 Variation and discharge of land obligations.
- 2 Provisions supplementary to section 1.

###### *Allocation of feuduties, etc.*

- 3 Allocation of feuduties.
- 4 Applications to Lands Tribunal regarding allocation of feuduties.
- 5 Provisions supplementary to sections 3 and 4.
- 6 Allocation of ground annuals.

###### *Provisions for contracting out of sections 1 to 6 to be void*

- 7 Provisions for contracting out of sections 1 to 6 void.

###### *Reduction of period of positive prescription*

- 8 .....

#### PART II

##### THE STANDARD SECURITY

- 9 The standard security.

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- 10 Import of forms of, and certain clauses in, standard security.
- 11 Effect of registered or recorded standard security, and incorporation of standard conditions.
- 12 Standard security may be granted by person uninfert.
- 13 Ranking of standard securities.
- 14 Assignment of standard security.
- 15 Restriction of standard security.
- 16 Variation of standard security.
- 17 Discharge of standard security.
- 18 Redemption of standard security.
- 19 Calling-up of standard security.
- 19A Notice to occupier of calling-up
- 19B Notice to local authority of calling-up
- 20 Exercise of rights of creditor on default of debtor in complying with a calling-up notice.
- 21 Notice of default.
- 22 Objections to notice of default.
- 23 Rights and duties of parties after service of notice of default to which objection is not taken, or where the notice is not set aside.
- 23A Voluntary surrender of residential property following calling-up notice or notice of default
- 24 Application by creditor to court for remedies on default.
- 24A Section 24(1B) proceedings: pre-action requirements
- 24B Section 24(1B) applications: application to court by entitled residents
- 24C Entitled residents: definition
- 24D Section 24(1B) proceedings: recall of decree
- 24E Lay representation in section 24(1B) proceedings etc.
- 25 Exercise of power of sale.
- 26 Disposition by creditor on sale.
- 27 Application of proceeds of sale.
- 28 Foreclosure.
- 29 Procedure.
- 30 Interpretation of Part II.
- 31 Saving.
- 32 Application of enactments.

### PART III

#### PROVISIONS AS TO HERITABLE SECURITIES

- 33 Form of notice calling-up heritable security.
- 34 Amendment of s. 34 of Act of 1924.
- 35 Power of creditor in bond and disposition in security to sell to include power to sell by private bargain.
- 36 Alteration of periods during which sale of land held in security is to be advertised.
- 37 Amendment of s. 40 of Act of Act of 1924.
- 38 Amendment of s. 41 of Act of 1924.
- 39 Amendment of s. 8 of Act of 1894.
- 40 Discharge of heritable security constituted by *ex facie* absolute conveyance.
- 41 Restriction on effect of reduction of certain discharges of securities.
- 42 Extension of s. 13 to certain existing forms of heritable securities.
- 43 Interpretation of Part III.

## PART IV

### OTHER CONVEYANCING REFORMS

- 44 Alteration of rules as to probative deeds.
- 45 Status of sasine extracts.
- 46 Effect of conditions as to pre-emption.
- 47 Abolition of requirement to specify granter's title in certain deeds.
- 48 Abolition of forms of assignation of unrecorded conveyances, etc., and of completion of title by recording of such assignations.

## PART V

### MISCELLANEOUS

- 49 Abolition of heritor's right of pre-emption of glebe.
- 50 Amendment of Lands Tribunal Act 1949.

## PART VI

### GENERAL

- 51 Application to Crown.
- 52 Saving, amendment and repeal.
- 53 Interpretation.
- 54 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 —

- 1 An obligation to pay feuduty, ground annual, rent, skat, dry...
- 2 An obligation, however constituted, relating to the right to work...
- 3 An obligation imposed by or on behalf of the Crown...
- 4 An obligation created or imposed— (i) for naval, military or...
- 5 An obligation created or imposed in or in relation to...

### SCHEDULE 2 — Forms of Standard Security

Form A

Form B

#### NOTES TO SCHEDULE 2

Note 1.—The security subjects shall be described sufficiently to...

Note 2.—Where the grantor has not a recorded title to...

Note 3.—Where the grantor of a standard security to be...

Note 4.—Where it is desired to vary any of the...

(As regards future variations, see section 16 of, and Form...

Note 5.—Where the security subjects are burdened by any other...

Note 6.—Where a standard security is granted in Form A...

Note 7.—In the case of a standard security for a...

+Note 8— In the case of a traditional document, subscription...

### SCHEDULE 3 — The Standard Conditions

- 1 Maintenance and repair.

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- 2 Completion of buildings etc. and prohibition of alterations etc.
- 3 Observance of conditions in title, payment of duties, charges, etc., and general compliance with requirements of law relating to security subjects.
- 4 Planning notices, etc.
- 5 Insurance.
- 6 Restriction on letting.
- 7 General power of creditor to perform obligations etc. on failure of debtor and power to charge debtor.
- 8 Calling-up.
- 9 Default.
- 10 Rights of creditor on default.
- 11 Exercise of right of redemption.
- 12 The debtor shall be personally liable to the creditor for...

#### *Interpretation*

In this Schedule, where the debtor is not the proprietor...

#### SCHEDULE 4 — Forms of Deeds of Assignment, Restriction, &c. FORM A — ASSIGNATION OF STANDARD SECURITY

##### *Separate*

I, A.B. (designation), in consideration of £ hereby assign to...  
With interest from ..... Testing clause+

FORM B

[To be endorsed on the standard security]

As above save that instead of the words “a standard...

FORM C — RESTRICTION OF STANDARD SECURITY

I, A.B. (designation), in consideration of (specify consideration, if any)...

Testing clause+

FORM D — COMBINED PARTIAL DISCHARGE AND DEED OF RESTRICTION OF STANDARD SECURITY

I, A.B. (designation) in consideration of £ paid by C.D....

Testing clause+

FORM E — VARIATION OF STANDARD SECURITY

[To be endorsed on the standard security]

I, A.B. (designation), agree that the foregoing standard security granted...

Testing clause+

FORM F — DISCHARGE OF STANDARD SECURITY

##### *Separate*

I, A.B. (designation), in consideration of £ (where the security...  
Testing clause+

[To be endorsed on the standard security]

As above save that instead of the words “a standard...

NOTES TO  
SCHEDULE 4

### General

Note 1.—Where the grantor of an assignation, discharge or deed...

Where the grantor of an assignation, discharge or deed of...

Note 2.—In an assignation, discharge or deed of restriction, (1)...

Note 3.—If the original title to a standard security has...

Note 4.—If part of the security subjects has already been...

Note 5.—The variation docket Form E of this Schedule shall...

Note 6.—Where the grantor of a variation docket does not...

+Note 7— In the case of a traditional document, subscription...

#### SCHEDULE 5 — Procedures as to Redemption

##### FORM A — NOTICE OF REDEMPTION OF STANDARD SECURITY

To A.B. (address)

TAKE NOTICE that on ..... (state date of repayment) C.D....

(To be signed by the debtor, or proprietor, or by...

In the case of a standard security for a non-monetary...

##### FORM B

I, A.B., above named, hereby acknowledge receipt of the Notice...

(To be signed by the creditor, or by his agent,...

##### FORM C

Notice of Redemption, of which the foregoing is a copy,...

(To be signed by the debtor, or proprietor, or by...

##### FORM D

### No. 1

#### CERTIFICATE OF CONSIGNATION ON REDEMPTION OF STANDARD SECURITY WHERE DISCHARGE CANNOT BE OBTAINED

I, A.B. (designation) (solicitor) certify that consignment of the whole...

STANDARD SECURITY for £ (or a maximum of £; in...

AMOUNT CONSIGNED £, being £ of principal, £ of interest...

BANK IN WHICH CONSIGNED (specify bank or branch of bank...

Testing clause+

+Note— In the case of a traditional document, subscription of...

### No. 2

#### CERTIFICATE OF DECLARATOR OF PERFORMANCE OF DEBTOR'S OBLIGATIONS UNDER STANDARD SECURITY WHERE DISCHARGE CANNOT BE OBTAINED

I, A.B. (designation) (solicitor) certify that a decree of declarator...

STANDARD SECURITY by C.D. in favour of E.F. registered in...

DECREE OF DECLARATOR by the Sheriff of .....

at .....

Testing clause+

+Note— In the case of a traditional document, subscription of...

#### SCHEDULE 6 — Procedures as to Calling-up and Default

##### FORM BB — NOTICE TO OCCUPIER

To the Occupier ( address )

A Notice of Calling-up of a standard security/ Default under...

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If you are a tenant of A.B., in certain circumstances...

If you are the spouse or partner of A.B., the...

( delete as appropriate )

If you wish to make such an application, you should...

Dated

( Signature of C.D., or signature and designation of C.D.'s...

FORM C

I, A.B., above named, hereby acknowledge receipt of the foregoing...

Dated this ..... day of .....

(To be signed by the person on whom notice is...

FORM D

Notice of (Calling-up) (Default), of which the foregoing is a...

(To be signed by the creditor, or by his agent,...

FORM F

To the Occupier ( address )

C.D. ( designation ) has applied to the court under...

If you are a tenant of A.B. ( or, if..

If you are the spouse or partner of A.B., the...

Dated

( Signature of C.D., or signature and designation of C.D.'s...

#### SCHEDULE 7 — Contents of Certificate Stating a Default

- 1 A certificate which is lodged in court by the creditor...
- 2 A certificate shall state— (i) the name and address of...
- 3 The certificate shall be signed by the creditor or his...

#### SCHEDULE 8 — Excluded Enactments

##### *The Debts Securities (Scotland) Act 1856*

- 1 Section 7 (Securities for cash accounts or credits).

##### *Registration of Long Leases (Scotland) Act 1857*

- 2 Section 4 (Assignations in security).
- 3 Section 5 (Instrument to be expedited where party presenting assignation...
- 4 Section 6 (Translation of assignations in security and creditor's entry...
- 5 Section 13 (Renunciations and discharges to be recorded) so far...
- 6 Section 20 (Interpretation of clauses in Schedules).

##### *The Titles to Land Consolidation (Scotland) Act 1868*

- 7 Sections 118 (Form of bond and disposition in security).
- 8 Section 119 (Explanation of clauses in Schedule (FF) No. 1—Form...
- 9 Section 121 (Validity of sale to purchaser).
- 10 Section 122 (Creditors selling to count and reckon for the...
- 11 Section 123 (Disburdening of lands on sale and after consignment...
- 12 Section 124 (Prescription of form of transfer of securities).
- 13 Section 132 (Renunciation or discharge of heritable security).
- 14 Section 133 (Restriction of heritable security).
- 15 Section 138 (Use of short clauses of consent to registration)...

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*Conveyancing (Scotland) Act 1874*

- 16 Section 48 (Disburdening of lands sold under heritable securities when...
- 17 Section 49 (Disburdening of lands where debtor in a heritable...

*The Heritable Securities (Scotland) Act 1894*

- 18 Section 6 (Power of creditor to lease security subjects for...
- 19 Section 7 (Granting of power by sheriff to lease security...
- 20 Section 8 (Foreclosure).
- 21 Section 9 (Completion of title of security holders and preservation...
- 22 Section 10 (Purchaser's title indefeasible).
- 23 Section 12 (Procedure).
- 24 Section 15 (Jurisdiction of sheriff).

*The Conveyancing (Scotland) Act 1924*

- 25 Section 24 (Assimilation of forms for registered leases).
- 26 Section 25 (Form of bond and disposition in security).
- 27 Sections 28 to 30 (Provisions dealing with the assignment, discharge...
- 28 Section 31 (Description of lands and deduction of title unnecessary...
- 29 Section 32 (Redemption of bond and disposition in security).
- 30 Sections 33-39 (Provisions relating to calling up bond and disposition...
- 31 Section 42 (Mode of disburdening land sold by creditor under...

SCHEDULE 9 — Discharge of Heritable Security Constituted by Ex Facie Absolute Conveyance

NOTES TO  
SCHEDULE 9

- Note 1.—The discharge may be separate or endorsed on the...
- Note 2.—Where the grantor of the discharge is not the...
- Note 3.—Where the grantor of the discharge is not the...
- +Note 4— In the case of a traditional document, subscription...

SCHEDULE 10 — Minor and Consequential Amendments  
Part I — AMENDMENTS AFFECTING SPECIFICATION OF TITLE

*The Registration of Leases (Scotland) Act 1857*

- 1 In Schedule (H), in the footnote, for the words “here...

*The Conveyancing (Scotland) Act 1924*

- 2 In Schedule J, in Note 2, for the words from...
- 3 In Schedule K, in Note 2, for the words from...

Part II — OTHER AMENDMENTS

*The Conveyancing (Scotland) Act 1924*

- 4 In Schedule I, in the note, before the words “the...

*The Land Compensation (Scotland) Act 1963*

- 5 In section 10, for the words “Lord President of the...

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SCHEDULE 11 — Enactments Repealed

Part I — REPEALS AFFECTING SPECIFICATION OF TITLE

Part II — REPEALS RELATING TO ASSIGNATIONS OF UNRECORDED  
CONVEYANCES ETC.

Part III — OTHER REPEALS



**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1(2) words in s. 1(2) renumbered as 1(2)(a) by [2000 asp 5 Sch. 12 para. 30\(2\)\(a\)\(i\)](#) (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(2) words substituted by [2000 asp 5 Sch. 12 para. 30\(2\)\(a\)\(ii\)\(iii\)](#) (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(3) words substituted by [2000 asp 5 Sch. 12 para. 30\(2\)\(b\)](#) (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(4) words substituted by [2000 asp 5 Sch. 12 para. 30\(2\)\(b\)](#) (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. 2(7) repealed by [2000 asp 5 Sch. 12 para. 30\(3\)](#) (This amendment has not been applied to legislation.gov.uk. Sch. 12 para. 30(3) repealed (4.4.2003) by 2003 asp 9, ss. 128, 129(5), Sch. 15 (with ss. 119, 121))
- s. 7 words substituted by [2000 asp 5 Sch. 12 para. 30\(5\)](#) (This amendment has not been applied to legislation.gov.uk. Sch. 12 para. 30(5) repealed (4.4.2003) by 2003 asp 9, ss. 128, 129(5), Sch. 15 (with ss. 119, 121))
- s. 9(8)(b) words substituted by [2000 asp 5 Sch. 12 para. 30\(6\)\(d\)\(ii\)](#) (This amendment has not been applied to legislation.gov.uk. Sch. 12 para. 30(6)(d)(ii) repealed (4.4.2003) by 2003 asp 9, ss. 128, 129(5), Sch. 15 (with ss. 119, 121))
- s. 13A inserted by [2007 asp 3 s. 85](#)
- Sch. 1 para. 1 words repealed by [2000 asp 5 Sch. 12 para. 30\(22\)](#)[Sch. 13 Pt. 1](#) (This amendment has not been applied to legislation.gov.uk. Sch. 12 para. 30(22) and entry in Sch. 13 repealed (4.4.2003) by 2003 asp 9, ss. 128, 129(5), Sch. 15 (with ss. 119, 121))

**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](#)