



Conveyancing and Feudal Reform (Scotland) Act 1970

1970 CHAPTER 35

PART II

THE STANDARD SECURITY

18 Redemption of standard security.

(1) [^{F1}Subject to the provisions of subsection (1A) of this section,] The debtor in a standard security or, where the debtor is not the proprietor, the proprietor of the security subjects shall be entitled to redeem the security [^{F1}on giving two months' notice of his intention so to do, and] in conformity with the terms of standard condition 11 and the appropriate Forms of Schedule 5 to this Act.

[^{F2}(1A) [^{F3}Without prejudice to section 11 of the Land Tenure Reform (Scotland) Act 1974] the provisions of the foregoing subsection shall be subject to any agreement to the contrary, but any right to redeem the security shall be exercisable in conformity with the terms and Forms referred to in that subsection.]

(2) Where owing to the death or absence of the creditor, or to any other cause, the debtor in a standard security or, as the case may be, the proprietor of the security subjects [^{F4}(being in either case a person entitled to redeem the security)] is unable to obtain a discharge under the [^{F5}foregoing provisions of this section] may—

- (a) where the security was granted in respect of any obligation to repay or pay money, consign in any bank in Scotland, incorporated by or under Act of Parliament or by Royal Charter, the whole amount due to the creditor on redemption, other than any unascertained expenses of the creditor, for the person appearing to have the best right thereto, and
- (b) in any other case, apply to the court for declarator that the whole obligations under the contract to which the security relates have been performed.

(3) On consignment, or on the court granting declarator as aforesaid, a certificate to that effect may be expedite by a solicitor in the appropriate form prescribed by Form D of

Changes to legislation: Conveyancing and Feudal Reform (Scotland) Act 1970, Section 18 is up to date with all changes known to be in force on or before 13 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) View outstanding changes

Schedule 5 to this Act, which on being duly [^{F6}registered or] recorded shall disburden the [^{F7}land or real right] in land, to which the standard security relates, of that security.

- (4) For the purposes of this section, “whole amount due” means the debt to which the security relates, so far as outstanding, and any other sums due thereunder by way of interest or otherwise.

Textual Amendments

- F1** Words inserted by [Redemption of Standard Securities \(Scotland\) Act 1971 \(c. 45\), s. 1\(b\)](#)
- F2** S. 18(1A) added by [Redemption of Standard Securities \(Scotland\) Act 1971 \(c. 45\), s. 1\(c\)](#)
- F3** Words inserted by [Land Tenure Reform \(Scotland\) Act 1974 \(c. 38, SIF 74:1\), s. 11\(6\)](#)
- F4** Words inserted by [Redemption of Standard Securities \(Scotland\) Act 1971 \(c. 45\), s. 1\(d\)](#)
- F5** Words substituted by [Redemption of Standard Securities \(Scotland\) Act 1971 \(c. 45\), s. 1\(d\)](#)
- F6** Words in s. 18(3) inserted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\), ss. 122, 123, sch. 5 para. 17\(12\)](#) (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F7** Words in s. 18(3) substituted (28.11.2004) by [2000 asp 5, ss. 76\(1\), 77\(2\)\(c\), sch. 12 Pt. 1 para. 30\(14\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Modifications etc. (not altering text)

- C1** Ss. 14-30 applied (with modifications) (28.11.2004) by [2000 asp 5, ss. 69, 77\(2\)\(a\)](#) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Changes to legislation:

Conveyancing and Feudal Reform (Scotland) Act 1970, Section 18 is up to date with all changes known to be in force on or before 13 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.

[View outstanding changes](#)

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](#)