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SCHEDULE

Article 3

FORM 1 FORM OF CHARGING ORDER THE HEALTH AND SOCIAL SERVICES AND SOCIAL SECURITY ADJUDICATIONS ACT 1983 Charging Order

We (*name of local authority*), in exercise of the powers conferred upon us by section 23 of the Health and Social Services and Social Security Adjudications Act 1983 (“the 1983 Act”), hereby make a charging order over All and Whole (*here describe the security subjects as in Note 1 hereto*) being an interest in land held by (*name and designation of debtor*) in respect of any debt due or to become due by the said (*name of debtor*) to us in respect of the provision by us of accommodation for the said (*name of debtor*), all in terms of the said section 23, together with any interest thereon as specified in section 24 of the 1983 Act as amended [see Note 3].

[to be attested by local authority]

NOTES TO FORM 1

*Note 1*—The security subjects shall be described by means of a particular description or by reference to a description thereof as in Schedule D to the Conveyancing (Scotland) Act 1924(a) or as in Schedule G to the Titles to Land Consolidation (Scotland) Act 1868(b), or where appropriate in accordance with the provisions of section 15(1) of the Land Registration (Scotland) Act 1979(c). Where the security subjects consist of an interest in land, other than ownership of the land, amend the description appropriately.

*Note 2*—Where a title to the subjects is recorded in the Register of Sasines but the debtor does not have a recorded title, insert at the end a clause of deduction of title as follows:— *Which subjects (or as the case may be) were last vested (or are part of the subjects last vested) in A.B. (designation of person last infert) whose title thereto (was recorded in the Register for (or the said Register of Sasines) on (or, if the last infertment has already been mentioned, say in the said A.B. as aforesaid)), and from whom the said (name of debtor) acquired right by (there specify shortly the writ or writs by which that right was so acquired).* Where the interest in the subjects is registered in the Land Register for Scotland but the debtor is not registered as entitled to the registered interest, in terms of section 15(3) of the Land Registration (Scotland) Act 1979 it is not necessary to insert a clause of deduction of title in the deed if evidence of sufficient links in title are produced to the Keeper of the Registers of Scotland on registration.

*Note 3*—Insert amendments to Section 24 of the 1983 Act; the current amendments are made by section 45(3) of the National Health Service and Community Care Act 1990.

FORM 2 FORM OF DISCHARGE OF CHARGING ORDER THE HEALTH AND SOCIAL SERVICES AND SOCIAL SECURITY ADJUDICATIONS ACT 1983 Discharge of Charging Order

We (*name of local authority*), in consideration of £ being the whole amount secured by the charging order aftermentioned paid by (*name and designation of debtor or as the case may be*) hereby discharge the charging order over All and Whole (*describe the security subjects as indicated in Note 1 to Form 1 in this Schedule*), which charging order was made by us in our favour dated and (recorded in the Register of Sasines for on ) (*or as appropriate registered under Title No.* ).

[to be attested by local authority]