



Housing and Technical Resources

Notice by creditor of: Service of calling-up notice/notice of default; or Application to court for a warrant to exercise remedies on default; or Proceedings to eject proprietor

You can complete this notice by creditor of service of calling-up notice/notice of default, or application, or proceedings form in Adobe Acrobat. Return the form by email to homelessness.strategy@southlanarkshire.gov.uk If you need this information in another language or format, please contact us to discuss how we can best meet your needs. Phone 0303 123 1015 or email equalities@southlanarkshire.gov.uk

Using your personal information

We will use the information you give us to administer South Lanarkshire Councils response to Section 11 of the Homelessness etc. (Scotland) Act 2003.

Your rights

You have the right to ask us to:

- tell you that we are using personal information about you, tell you what that information is and who we have shared it with. You can also ask us for a copy of the information we have about you. This is called the right of access.
- correct any wrong or misleading personal information that we have about you. This is called the right to rectification.
- stop using any or all of your personal information. This is called right to object.
- delete or destroy your personal information under certain circumstances. This is called the right to erasure.
- stop using your personal information until we can correct your personal information, give you our reasons for using your personal information or stop us deleting your personal data if you need it in connection with any legal claims. This is called the right of restriction.
- pass your personal information to someone else under certain circumstances. This is called the right to data portability.

For more information on how we use and handle your information and rights and how to exercise them or how to make a complaint you can ask for a copy of the Councils explanation from our Data Protection officer by emailing dp@southlanarkshire.gov.uk or see www.southlanarkshire.gov.uk/privacy

Note to creditor

This form of notice must be used to give notice to a local authority where a creditor has served a calling-up notice or notice of default or has applied to court for a warrant to exercise any of the remedies which can be exercised on default of a standard security, or for a warrant for sale or has raised proceedings to eject a proprietor.

A “calling-up notice” is a notice described in section 19 of the Conveyancing and Feudal Reform (Scotland) Act 1970 issued by a creditor in a standard security requiring discharge of the debt secured.

A “notice of default” is a notice described in section 21 of the Conveyancing and Feudal Reform (Scotland) Act 1970 issued by a creditor calling on a debtor to remedy a default.

The remedies which a creditor is entitled to exercise when a debtor is in default are described in Schedule 3 to the Conveyancing and Feudal Reform (Scotland) Act 1970. In terms of section 24 of that Act a creditor may apply to court for a warrant to exercise those remedies.

Proceedings to eject a proprietor are raised under section 5 of the Heritable Securities (Scotland) Act 1894 and must be notified to the local authority by virtue of section 4(4) of the Mortgage Rights (Scotland) Act 2001

Please tick which of the following statements apply:

Take note that a calling up notice/notice of default has been served as detailed below.

Take note that an application to court has been made as detailed below for a warrant to exercise remedies on default.

Take note that proceedings to eject a proprietor have been raised as detailed below.

Please give the following information.

Name and address of the creditor

Name and address of the creditor's legal representatives

Contact telephone number of the creditor

Name of debtor/proprietor

Full postal address of property referred to in the calling up notice/notice of default or application or proceedings

Recording/registration date of the standard security (if applicable)

Date of calling up notice/notice of default or application or raising of proceedings

Court in which application made or proceedings raised