

This is an example of the form that the lender will send to an occupier to notify them that the owner of the property has defaulted on their lending agreement and they intend to apply to court for remedies, for example to repossess and sell the property. This form should be sent out at the same time as Forms A, B and a section 24 initial writ and Form 11C.

In this form:

- “A.B.” refers to the mortgage holder
- “C.D.” refers to the mortgage lender
- “E.F.” refers to another party, for example a partner of the mortgage holder, who may also be liable for the mortgage
- “G.H.” refers to another party who may have been instructed by the mortgage lender to claim the debt owed under the mortgage agreement

FORM BB

NOTICE TO THE OCCUPIER

IT IS IMPORTANT THAT YOU READ THIS LETTER – YOUR HOME MAY BE AT RISK OF REPOSSESSION

To the Occupier (including any Tenant) (address)

A Notice of Calling-up of a standard security/ Default under a standard security (*delete as appropriate*) has been served by C.D. on A.B. in relation to (*address of subjects*) (“the property”). A copy of the Notice is attached. C.D. may apply to the sheriff court for warrant to exercise the remedies available to a creditor on default including the rights to enter into possession of and sell the property.

Dated

(*Signature of C.D., or signature and designation of C.D.’s agent followed by the words Agent of C.D.*)

IT IS STRONGLY RECOMMENDED THAT YOU SEEK ADVICE:

You can get advice about this Notice and what it means for you from a solicitor, Citizens Advice Bureau or other advice agency or, in certain cases, an approved lay representative. Take this Notice with you when seeking advice. You may be eligible for legal aid depending on your circumstances. You can get information about legal aid from a solicitor.

YOUR RIGHTS IN RELATION TO RESIDENTIAL PROPERTY ARE PROTECTED BY LAW:

C.D. must comply with statutory pre-action requirements before being allowed to apply to the court. These requirements include providing A.B. with specified information and contacting A.B. to discuss alternatives to repossession. It is important to discuss with your solicitor or advisor any doubts you have about whether C.D. has complied with these requirements.

IF YOU ARE OR WERE THE SPOUSE, CIVIL PARTNER OR PARTNER OF A.B. OR ARE THE OWNER OF THE HOUSE:

You may be an ENTITLED RESIDENT and should discuss this with your solicitor or advisor. This means that A.B. cannot voluntarily surrender the property if you or anyone else is living there or without your written consent. You may be asked to give your consent – it is recommended that you do not do so until you have discussed this with a solicitor or other advisor.

You have a RIGHT TO BE HEARD IN COURT. If C.D. does make an application to the court, you are entitled to intervene to ask the court to continue the proceedings or to make any other order (for example an order suspending C.D.'s rights or refusing C.D.'s application). You may represent yourself, or be represented by a solicitor or approved lay representative. You can find out more about approved lay representatives from the housing department of your local authority or from a Citizens Advice Bureau or other advice agency.

IF YOU ARE A TENANT OF A.B.:

You should contact C.D. to let them know about your tenancy as soon as possible as they may not be aware that you live in the property.

If you have an assured or short assured tenancy you may have rights under the Housing (Scotland) Act 1988 - in certain circumstances C.D. cannot take possession of the property or evict you without making a separate application to the court under that Act. Whatever your type of tenancy, you should obtain legal advice about your rights as a tenant."