

# Notice to occupier where calling up notice has been served on the borrower

## FORM BB

### NOTICE TO OCCUPIER

To the Occupier

(the address of the property)

A Notice of Calling Up of standard security has been served by (the lender) on (the borrower) in relation to (the address of the property). A copy of the notice is attached.

If you are the tenant of (the borrower), in certain circumstances (the lender) cannot take possession of the property without a court order. You should obtain legal advice about your rights as a tenant. You may be eligible for legal aid depending on your circumstances, and you can get information about legal aid from a solicitor. You may also be able to get advice from any Citizens Advice Bureau or from other advice agencies.

If you are the spouse or partner of (the borrower), the Mortgage Rights (Scotland) Act 2001 gives you the right in certain circumstances to apply to the court to suspend the rights of (the lender). You have two months (which may be shortened only with your consent) to make an application. The court will have particular regard to the circumstances giving rise to the service of the Notice of Calling Up, your ability to comply with the notice, any action taken by (the lender) to assist the debtor in the standard security to fulfil those obligations under it and the ability of you or anyone else residing in the property to find reasonable alternative accommodation.

If you wish to make such an application, you should consult a solicitor. You may be eligible for legal aid depending on your circumstances, and you can get information about legal aid from a solicitor. You may also be able to get advice, including advice about how to manage debt, from any Citizens Advice Bureau or from other advice agencies.