



Home Owner + Debtor Protection (Scotland) Act 2010

The introduction of the Home Owner + Debtor Protection (Scotland) Act 2010 is one of the Scottish Government's responses to the current financial crisis.

The Act addresses those individuals who, having fallen into arrears with their mortgage payments, are threatened with repossession proceedings. Prior to taking such action, the lender has to make reasonable efforts to agree proposals for future payments and not to take court action if the homeowner is taking measures likely to result in repayment of the mortgage arrears within a reasonable period. If court action does take place, all cases have to actually call in court. This will allow the sheriff to examine the lender's conduct and to demonstrate they have taken all reasonable steps to avoid repossession.

The borrowers can be assisted in court by a lay representative if they wish.

For a detailed look at this Act visit:

http://www.legislation.gov.uk/asp/2010/6/pdfs/asp_20100006_en.pdf