

2016 Edition

CWa/F/Scot

**Contractor Collateral Warranty for a Funder
for use in Scotland**

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SBC578

SAMPLE ONLY

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Warranty Agreement

Between (1)

(Company No. _____) [1]

of/whose registered office is at _____

_____ ('the Contractor')

And (2)

(Company No. _____) [1]

of/whose registered office is at _____

_____ ('the Employer')

[1] Where the Contractor, Employer or Funder is neither a company incorporated under the Companies Acts nor a company registered under the laws of another country, delete the references to Company number and registered office. In the case of a company incorporated outside Scotland or England and Wales, particulars of its place of incorporation should be inserted immediately before its Company number.

And (3)

_____ (Company No. _____)[1]

of/whose registered office is at _____

_____ ('the Funder',
which term shall include all permitted assignees under this Agreement).

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Whereas

First the Funder has entered into an agreement ('the Finance Agreement') with the Employer for the provision of finance in connection with the carrying out of building works

_____ ('the Works', which term shall include any changes made to the building works in accordance with the Building Contract);

Second by a contract dated _____ ('the Building Contract', which term shall include any enforceable agreements reached between the Employer and the Contractor and which arise out of and relate to the same) the Employer has appointed the Contractor to carry out and complete the Works;

Third the Employer is a Party to this Agreement for the purpose of giving the acknowledgements set out in clauses 5 and 6.4;