

**2016 Edition**

**SCWa/F/Scot**

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

**ISBN: 978-1-909432-38-3**

**SBC580**

**SAMPLE ONLY**

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## Warranty Agreement

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**Between** (1)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Company No. \_\_\_\_\_)[1]  
of/whose registered office is at \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ('the Sub-Contractor')

**And** (2)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Company No. \_\_\_\_\_)[1]  
of/whose registered office is at \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ('the Main Contractor')

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[1] Where the Sub-Contractor, Main Contractor 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 Main Contract Works',  
which term shall include any changes made to the building works in accordance with the Building  
Contract);
- Second** pursuant to a contract ('the Building Contract') dated \_\_\_\_\_ between the  
Employer and the Main Contractor, the Sub-Contractor entered into an agreement ('the Sub-  
Contract') dated \_\_\_\_\_ with the Main Contractor, to carry out and complete  
certain works ('the Sub-Contract Works') forming part of the Main Contract Works;
- Third** the Main Contractor is a Party to this Agreement for the purpose of giving the acknowledgements set  
out in clauses 5 and 6.4;