
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 150

LAND REGISTRATION

The Land Register Rules etc. (Scotland) Regulations 2014

Made - - - - 28th May 2014
Laid before the Scottish
Parliament - - - - 30th May 2014
Coming into force - - 8th December 2014

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 43(7), 56(4), 62(2), 115(1) and 116(1) of the Land Registration etc. (Scotland) Act 2012⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 115(2) of that Act, the Scottish Ministers have consulted the Keeper of the Registers of Scotland.

PART 1

Introductory

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Land Register Rules etc. (Scotland) Regulations 2014 and come into force on 8th December 2014.

(2) In these Regulations—

“the Act” means the Land Registration etc. (Scotland) Act 2012; and

“plot of land comprising seabed” means a plot of land entirely covered by water that lies within the territorial sea of the United Kingdom adjacent to Scotland.

PART 2

Advance notices

Forms to apply for, or to discharge, an advance notice

2. An application for—
 - (a) an advance notice under section 57(1) of the Act must be made—
 - (i) in respect of the whole of a registered plot, using the Form set out in Part 1 of Schedule 1;
 - (ii) in respect of part of a registered plot, using the Form set out in Part 2 of Schedule 1;
 - (b) discharge of an advance notice under section 63(1) of the Act must be made using the Form set out in Part 3 of Schedule 1.

Procedure for application for an advance notice

3. (1) An application for an advance notice relating to the whole of a registered plot or discharge of an advance notice must be sent to the Keeper electronically using a computer system for advance notices under the management and control of the Keeper, unless—

- (a) the computer system notifies the applicant who attempts to use it that it is unavailable for a period of 48 hours or longer; or
- (b) the applicant—
 - (i) has no computer facilities with access to the internet; or
 - (ii) is the granter of the deed.

(2) Only a person authorised by the Keeper may use that computer system.

(3) An application for an advance notice relating to part of a registered plot must be completed electronically using that computer system before being printed on paper, signed by the applicant and sent to the Keeper on paper, unless—

- (a) the computer system notifies the applicant who attempts to use it that it is unavailable for a period of 48 hours or longer; or
- (b) the applicant—
 - (i) has no computer facilities with access to the internet; or
 - (ii) is the granter of the deed.

Description of an unregistered plot or unregistered lease in an advance notice

4. (1) An advance notice by virtue of section 56(1)(e) of the Act must contain a description of the subjects of the lease or plot of land sufficient to enable the Keeper to identify those subjects or that plot.

(2) The description mentioned in paragraph (1) must identify the subjects of the lease or plot of land by reference to the—

- (a) description in a deed recorded in the Register of Sasines; and
- (b) postal address (if any).

(3) Where the subjects of the lease or plot of land form part only of the subjects described in a deed recorded in the Register of Sasines, the description mentioned in paragraph (2) must be accompanied by a plan of that part which satisfies the Keeper that the Keeper can delineate its boundaries on the cadastral map.

Notification of acceptance of advance notice

5. (1) The Keeper must notify the applicant or applicant's agent that the advance notice has been entered in the application record.

(2) A notification given under paragraph (1) must be made by email to the email address contained in the application, except in cases where an application has been made using a paper form under regulation 3(1)(b) or (3)(b).

(3) The notification given under paragraph (1) must contain the—

- (a) granter's name and designation;
- (b) grantee's name and designation;
- (c) application number;
- (d) advance notice number;
- (e) type of intended deed;
- (f) particulars of the—
 - (i) plot of land; or
 - (ii) subjects of lease;
- (g) where section 57(4)(a)(ii) of the Act applies, a PDF(2) file of the delineation on the cadastral map; and
- (h) date when the advance notice is entered on the application record.

Removal of delineation from the cadastral map where intended deed not registered

6. In respect of an advance notice for a deed which is not registered during the protected period, the period prescribed under section 62(2) of the Act, after which the Keeper must remove the delineation on the cadastral map, is 35 days beginning on the day after the date when the notice is entered in the application record.

PART 3

Registration

Form to apply for registration in the Land Register

7. An application for registration of—

- (a) a deed under section 21 of the Act; or
- (b) an unregistered plot under section 27 of the Act,

must be made using the Form set out in Part 4 of Schedule 1.

Application for registration of plot of land comprising seabed

8. In respect of an application for registration of a deed in relation to a plot of land comprising seabed, the deed must contain—

- (a) a description of the plot of land based on OSGB36 coordinates(3); and

(2) Portable document format – ISO 32000-1:2008.

(3) National Grid - Ordnance Survey Great Britain 1936.

- (b) a plan, in a form that the Keeper considers reasonably identifies the location of the plot of land in relation to the coast of Scotland.

Affidavits to accompany applications for registration

9. An affidavit which—

- (a) accompanies an application for registration;
- (b) accompanies an application to vary warranty; or
- (c) provides evidence in respect of rectification of the register,

must be made before a notary public.

Application record

10. (1) Where the Keeper enters an application in the application record, the Keeper must allocate an application number to that application.

(2) An application number is an unique identifier consisting of numerals or of letters and numerals.

(3) Where an application for registration requires the creation of a—

- (a) cadastral unit;
- (b) lease title sheet; or
- (c) title sheet for a flat,

the Keeper must allocate a provisional title number to that application.

(4) Where additional cadastral units require to be created in respect of an application, the Keeper may allocate additional application numbers and provisional title numbers until registration is completed under section 30 or 31 of the Act.

(5) Where registration is completed under section 30 or 31 of the Act, the provisional title number will become the title number assigned under section 4(1) of the Act.

Acknowledgement of application for registration

11. (1) After an application for registration is entered in the application record, the Keeper must acknowledge receipt of that application if an email address for acknowledgment is contained in the application.

(2) An acknowledgment given under paragraph (1) must contain the—

- (a) type of deed;
- (b) names of the parties;
- (c) date of application;
- (d) application number allocated under regulation 10(1);
- (e) title number or provisional title number allocated under regulation 10(3); and
- (f) particulars of the plot of land or the subjects of lease.

Title sheets

12. (1) In addition to the information required to be entered in the property section by virtue of section 6 of the Act, the property section must contain—

- (a) the date of—

- (i) registration of the plot of land; and
 - (ii) the last entry in the title sheet;
 - (b) the terms of any caveat;
 - (c) in respect of a title sheet created for registration of—
 - (i) a deed relating to—
 - (aa) an unregistered plot; or
 - (bb) part of a registered plot; or
 - (ii) an unregistered plot,
- particulars of any deed in which servitude rights are constituted;
- (d) a statement where minerals are excepted;
 - (e) for a plot of land comprising seabed, the OSGB36 coordinates representing the boundaries of that plot; and
 - (f) in respect of a title sheet created for registration of—
 - (i) a deed relating to—
 - (aa) an unregistered plot; or
 - (bb) part of a registered plot; or
 - (ii) an unregistered plot,

the area measurement of the cadastral unit where it is greater than 0.5 hectare.

(2) In addition to the information required to be entered in the property section by virtue of section 7 of the Act, the proprietorship section must contain the—

- (a) consideration; and
- (b) date of entry.

Amendments etc. of application

13. Where the Keeper has consented under section 34(1)(b) of the Act to substitution or amendment of an application, the substituted or amended application must be received by the Keeper before the expiry of the period of 42 days beginning on the day after the date of consent.

Combination of cadastral units

14. Where—

- (a) the Keeper combines cadastral units under section 13(2)(a) of the Act; and
- (b) each registered plot of land has a different date of registration,

the earliest date of registration entered in the title sheet of one of those registered plots will be the date of registration of the resultant plot of land.

Form to place a caveat on a title sheet

15. An application to—

- (a) place on a title sheet a caveat granted under section 67(3) of the Act;
- (b) renew a caveat granted under section 69(2) of the Act;
- (c) restrict a caveat granted under section 70(2) of the Act;
- (d) recall a caveat granted under section 71(2) of the Act; or

(e) discharge a caveat under section 72 of the Act, must be made using the Form set out in Part 5 of Schedule 1.

Form to vary warranty

16. An application to vary warranty under section 76(2) of the Act must be made using the Form set out in Part 6 of Schedule 1.

Corrections

17. (1) Where the Keeper becomes aware of a typographical error in a title sheet, the Keeper may correct the error.

(2) In paragraph (1), “typographical error” means an error which is not an inaccuracy (within the meaning of section 65 of the Act).

PART 4

Prescriptive claimants

Notification by prescriptive claimants

18. (1) An applicant must notify the person mentioned in section 43(4) of the Act by sending the notification—

- (a) at least 60 days prior to submitting to the Keeper the application for registration of a disposition mentioned in section 43(1) of the Act; and
- (b) by a postal service which provides for the delivery of the notification to be recorded.

(2) The notification made under section 43(4) of the Act must be in the form set out in Schedule 2.

St Andrew’s House,Edinburgh
28th May 2014

FERGUS EWING
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulations 2, 7, 15 and 16

APPLICATION FORMS TO BE USED IN CONNECTION WITH LAND REGISTRATION

List of forms

<i>Form</i>	<i>Purpose</i>	<i>Relevant provisions of the Rules</i>
PART 1	Application for an Advance Notice relating to Whole of a Registered Plot	Regulation 2(a)(i)
PART 2	Application for an Advance Notice relating to Part of Registered Plot	Regulation 2(a)(ii)
PART 3	Application to Discharge an Advance Notice	Regulation 2(b)
PART 4	Application for Registration	Regulation 7
PART 5	Application relating to a Caveat	Regulation 15
PART 6	Application to Vary Warranty	Regulation 16

Regulation 2(a)(i)

PART 1

Town

Postcode

Country

Non-natural person

Prefix

Name

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

Country

Applicant Statement and Declarations

I/We apply for an advance notice in terms of section 57 of the Land Registration etc. (Scotland) Act 2012 in respect of a registrable deed which I/we intend to grant. I/we confirm that (i) I/we may validly grant such a deed and (ii) there is no one else who may validly do so, in accordance with section 57(2) of the Land Registration etc. (Scotland) Act 2012.

I/We certify that the information supplied on this Form is true and correct to my/our knowledge and belief.

Regulation 2(a)(ii)

PART 2

Payment method

Intended Deed Type

Subjects

Title number(s) of registered plot of land or lease affected

Are the subjects a flatted building capable of being represented in accordance with section 56(2) of the Land Registration Act 2002?

Property name

Property number

Street name

Town

Postcode

Description of plot of land with no postal address

Related Plan

Where application is accepted by the Keeper on paper

Submit a paper plan

Where application is accepted electronically by the Keeper

Development Plan Approval Number and Development

or

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

Country

Grantee Details

Individual

Prefix

Forename

Surname

Property name

Property number

Street name

Town

Postcode

Country

Non-natural person

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 2(b)

PART 3

Land Registration etc. (Scotland)

Application to Discharge an

Agent Details

Agent's reference

Agent's telephone number

Agent's email address

Agent's Name and Address

Payment Details

FAS Number

Payment method

Advance Notice Number to be discharged

Intended Deed Type

Subjects

Title number(s) of registered plot of land or lease affected

Property name

Property number

Street name

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 7

PART 4

Land Registration etc. (Scotland)

Application for Registration

Unless the context otherwise indicates, any reference in this Part to a section of the Land Registration etc. (Scotland) Act 1979 shall be construed as a reference to a section of that Act as amended by any Act of Parliament passed after the commencement of this Act.

PART A

Agent Details

Agent's reference

Agent's telephone number

Agent's email address

Agent's name and address

Notification Details

Email address for applicant's notification

Email address for grantor's notification

Payment Details

FAS Number

Monetary consideration

Non-Monetary consideration

Street name

Town

Postcode

Description of plot of land with no postal address

Mark X in the box if more than one property and insert a sheet.

Applicant Details

Individual

Prefix

Forename

Surname

Property name

Property number

Street

Town

Postcode

Country

Non-natural person

Prefix

Street

Town

Postcode

Country

Non-natural person

Prefix

Name

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

County

Mark X in the box if more than one granter and insert details on separate sheet.

PART B

Plans Questions - Guidance - This question is not applicable

Yes or No

If yes, has the area of ground been included in any register?

Yes or No

Please ensure the deed narrates the title number(s) for the area of ground. If title number(s) are included in Part A of this form.

ROI Question

Is the validity of the deed to which this application relates registered in the Register of Inhibitions and Adjudications (“RoI”)?

Yes or No

If yes, has a search of the RoI been carried out on the grant of the right has vested in the granter by virtue of any unregistered deed?

Yes or No

If yes, please provide the date to which the search was carried out.

Did the search disclose an entry in the RoI which might affect the validity of this application relates?

Yes or No

If yes, please provide details.

Land and Buildings Transaction Tax

Servitudes - Guidance - *This question is only applicable to an unregistered plot.*

Is the plot of ground to which this application relates the subject of a servitude?

Yes or No

If yes, how was the servitude right created? - in a deed

Where the plot of ground is the benefited subject in relation to a deed(s) please specify the deed(s) (or provide the number of the deed(s) attached to this form) in which the right was constituted.

Where the servitude right has been constituted by prescription under the Prescription (Scotland) Act 1973 the application must include a plan or a description sufficient to enable the Registrar to register the servitude on the cadastral map.

Heritable Securities - Guidance - *This question is only applicable to a registered plot.*

Has a search been carried out in the General Register of Sasines for outstanding heritable securities affecting the plot of land?

Yes or No

Is this search certified to the same date as the search of the title?

Yes or No

If no, please provide the date to which the last search was carried out.

Further Information

If there is any other information material to this application or this application or its accompanying documents, please provide details below.

Declaration

Application to register deeds

I/We apply for registration of the deed identified in Part 1 of this application and this application complies with the general application conditions and any applicable conditions mentioned in section 21(2).

Where the certification above is made in relation to an application of which is dependent on the registration of a related deed, please provide details below.

Application for voluntary registration

I /We apply for the registration of an unregistered plot of land.

I/We certify that this application complies with the requirements of section 21(2).

I/We certify that the information given in this form and the accompanying documents is complete and correct to the best of my/our knowledge and belief.

Name: _____

Inventory of Deeds

Item No.	Deed	Gran
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Additional Information Sheet(s) – Please use this sheet to list the title numbers affected by the registration of the deed to which the deed relates, additional properties, applicants or granters referred to in the deed.

Additional Title Numbers

Additional Properties

Additional Applicants

Additional Granters

PART 5

Land Registration etc. (Scotland)

Application relating to

Agent Details

Agent's reference

Agent's telephone number

Agent's email address

Agent's name and address

Payment details

FAS number

Payment method

Subjects affected by caveat

Title number(s)

Property name

Property number

Street name

Town

- Recall of a caveat
- Discharge of a caveat

Existing caveat application number (if affected by this act)

Applicant Details

Individual

Prefix

Forename

Surname

Property name

Property number

Street name

Town

Postcode

Country

Non-natural person

Prefix

Name

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 16

PART 6

Land Registration etc. (Scotland)
Application to vary

Agent Details

Agent's reference

Agent's telephone number

Agent's email address

Agent's name and address

Payment Details

FAS Number

Payment method

Subjects

Title number(s)

Property name

Property number

Town

Postcode

Country

Non-natural person

Prefix

Name

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

Variation of Warranty

In what respect is a variation of warranty sought?

SCHEDULE 2

Regulation 18(2)

Form of notification by pres

Name and address of prescriptive claimant
(See note 1 for completion)

Name and address of person notified
(See note 2 for completion)

Description of the land over which a prescriptive claim is made
(See note 3 for completion)

Applicable paragraph of section 43(4) of the Act
(See note 4 for completion)

Evidence of links in title (required only where person notified is not the claimant)
(See note 5 for completion)

Service
(See note 6 for completion)

I swear or affirm that the information contained in this notice is true to my belief, true.

Signature of person sending notice

Date

*Notes for completion of the
(These notes have no legal effect)*

- 1 Insert the name and address of the person or persons to be notified of the land. If there is an additional address for correspondence also insert this here and specify it as the address for correspondence.
- 2 Insert the name and address of the person being notified.
- 3 Describe the land in a way that is sufficient to identify the land in the Land Register the description should refer to the plot of land or the larger plot of land of which the land is a part normally refer to and identify a deed (or deeds) recorded in the General Register of Sasines.
- 4 Insert whether the person is being notified under section 43(4)(a) or section 43(4)(b). Where notification is to the Crown in respect of land held by the Crown as bona vacantia or ultimus haeres then notify the Treasurer's Remembrancer. Where notification is to a person who may be held by the Crown by virtue of the regalia muneris then notify the Estate.
- 5 Where notification is by virtue of s 43(4)(b) list the persons to be notified with the last recorded or registered title and the person to be notified.
- 6 Service – Do not complete until a copy of the notice has been sent to the person notified. Then insert “XXX has been sent a copy of the notice by delivery used in compliance with regulation 18(1)(b) of the Land Registration (General) Regulations 2014.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make rules for making up and keeping the Land Register of Scotland (“the register”), the procedure for applications for registration, forms to be used, requiring the Keeper of the Registers of Scotland (“the Keeper”) to enter in the title sheet record certain information, and other matters which may or must be provided for under the Land Registration etc. (Scotland) Act 2012 (“the Act”) or to give it full effect.

Regulation 2 provides for application forms to be used in respect of advance notices.

Regulation 3 provides for the procedure to be followed in respect of advance notices.

Regulation 4 provides for the description to be contained in an advance notice where the intended deed relates to an unregistered lease or unregistered plot of land.

Regulation 5 provides for notifications of acceptance of advance notices.

Regulation 6 provides for the removal of a delineation made on the cadastral map in respect of an advance notice where the intended deed is not registered within the protected period.

Regulation 7 prescribes the application form to be used for registration of a deed or plot of land.

Regulation 8 provides for the requirements for applications for registration of a plot of land comprising seabed.

Regulation 9 provides the requirements for affidavits.

Regulation 10 provides for the allocation of application numbers and provisional title numbers.

Regulation 11 provides for acknowledgment of applications for registration.

Regulation 12 provides for information to be entered in title sheets.

Regulation 13 provides for amendments and substitutions to applications.

Regulation 14 sets out the date of registration applied when two or more cadastral units are combined to make one plot of land.

Regulation 15 prescribes the application form to be used to have a caveat placed on a title sheet.

Regulation 16 prescribes the application form to vary warranty.

Regulation 17 provides that the Keeper may correct typographical errors in title sheets where the error is not an inaccuracy as defined in section 65 of the Act.

Regulation 18 provides the method of notification by a prescriptive claimant, the form of which is set out in Schedule 2.

A business regulatory impact assessment has not been provided for this instrument as no impact on the private or voluntary sectors is foreseen.