Land Registration etc. (Scotland) Act 2012

LAND REGISTRATION ETC. (SCOTLAND) ACT 2012

PART 1
THE LAND REGISTER

The Land Register of Scotland

1 The Land Register of Scotland

Structure and contents of the register

2 The parts of the register

Title sheets and the title sheet record

3 Title sheets and the title sheet record
4 Title and lease title numbers
5 Structure of title sheets
6 The property section of the title sheet
7 The proprietorship section of the title sheet
8 The securities section of the title sheet
9 The burdens section of the title sheet
10 What is entered or incorporated by reference in a title sheet

The cadastral map

11 The cadastral map
12 Cadastral units
13 The cadastral map: further provision

The archive record

14 The archive record
The application record

15 The application record

Tenements etc.

16 Tenements and other flatted buildings

Shared plots

17 Shared plots
18 Shared plot and sharing plot title sheets
19 Conversion of shared plot title sheet to ordinary title sheet
20 Shared plot title sheets in relation to registered leases

PART 2
REGISTRATION

Applications for registration

21 Application for registration of deed
22 General application conditions
23 Conditions of registration: transfer of unregistered plot
24 Circumstances in which section 25 applies
25 Conditions of registration: certain deeds relating to unregistered plots
26 Conditions of registration: deeds relating to registered plots

Registration without deed

27 Application for voluntary registration
28 Conditions of registration: voluntary registration
29 Keeper-induced registration

Completion of registration

30 Completion of registration of plot
31 Completion of registration of deed
32 References to certain entries in Register of Inhibitions

General provision about applications

33 Recording in application record
34 Withdrawal and amendments etc. of application
35 Period within which decision must be made

Date of application and registration etc.

36 Date of application
37 Date and time of registration
38 Power to amend section 6 of the Land Registers (Scotland) Act 1868

Applications in relation to the same land

39 Order in which applications are to be dealt with

Notification

40 Notification of acceptance, rejection or withdrawal of application
41 Notification to proprietor
42 Notification to Scottish Ministers of certain applications

Prescriptive claimants etc.
43 Prescriptive claimants
44 Provisional entries on title sheet
45 Notification of prescriptive applications

Further provision
46 Applications relating to compulsory acquisition
47 Effect of death or dissolution

Closure of Register of Sasines etc.
48 Closure of Register of Sasines etc.

PART 3
COMPETENCE AND EFFECT OF REGISTRATION

Registrable deeds
49 Registrable deeds

Specific provisions on competence and effect of registration
50 Transfer by disposition
51 Proper liferents
52 Registration of, and of transactions and events affecting, leases
53 Completion of title
54 Registration of decree of reduction
55 Registration of order for rectification of document etc.

PART 4
ADVANCE NOTICES

56 Advance notices
57 Application for advance notice
58 Period of effect of advance notice
59 Effect of advance notice: registered deeds
60 Effect of advance notice: recorded deeds
61 Effect of advance notice: further provision
62 Removal of advance notice etc.
63 Discharge of advance notice
64 Application of Part to specific deeds

PART 5
INACCURACIES IN THE REGISTER

65 Meaning of “inaccuracy”
66 Shifting boundaries
PART 6
CAVEATS

67 Warrant to place a caveat
68 Duration of caveat
69 Renewal of caveat
70 Restriction of caveat
71 Recall of caveat
72 Discharge of caveat

PART 7
KEEPER’S WARRANTY

Keeper’s warranty

73 Keeper’s warranty
74 Keeper’s warranty on registration under sections 25 and 29
75 Extension, limitation or exclusion of warranty
76 Variation of warranty

Claims under warranty

77 Claims under Keeper’s warranty
78 Claims under warranty: circumstances where liability excluded
79 Claims under warranty: quantification of compensation

PART 8
RECTIFICATION OF THE REGISTER

Rectification

80 Rectification of the register
81 Rectification where registration provisional etc.

Referral of questions to Lands Tribunal

82 Referral to the Lands Tribunal for Scotland

Keeper’s right to be heard in proceedings

83 Proceedings involving the accuracy of the register

Compensation in consequence of rectification

84 Rectification: compensation for certain expenses and losses
85 Rectification: circumstances where liability excluded

PART 9
RIGHTS OF PERSONS ACQUIRING ETC. IN GOOD FAITH

Ownership

86 Acquisition from disponer without valid title
87 Acquisition from representative of disponer without valid title
Leases
88 Acquisition from assigner without valid title
89 Acquisition from representative of assigner without valid title

Servitudes
90 Grant of servitude by person not proprietor

Extinction of encumbrances etc.
91 Extinction of encumbrance when land disponed
92 Extinction of encumbrance when lease assigned
93 Extinction of floating charge when land disponed

Compensation in consequence of this Part
94 Compensation for loss incurred in consequence of this Part
95 Quantification of compensation

PART 10
ELECTRONIC DOCUMENTS, ELECTRONIC CONVEYANCING AND ELECTRONIC REGISTRATION

Electronic documents
96 Where requirement for writing satisfied by electronic document
97 Electronic documents
98 Amendment of Requirements of Writing (Scotland) Act 1995

Electronic conveyancing
99 Automated registration

Electronic recording and registration
100 Power to enable electronic registration

PART 11
MISCELLANEOUS AND GENERAL

Deduction of title
101 Deduction of title

Notes on register
102 Note of date on which entry in register is made

Appeals
103 Appeals

Extracts and certified copies
104 Extracts and certified copies: general
105 Evidential status of extract or certified copy
106 Liability of Keeper in respect of extracts, information and lost documents etc.
Information and access

107 Information and access

Keeper’s functions

108 Provision of services by the Keeper
109 Performance of Keeper’s functions during vacancy in office etc.

Fees

110 Fees

Duty to take reasonable care

111 Duties of certain persons

Offence

112 Offence relating to applications for registration

General provisions

113 Interpretation
114 References to “registering” etc. in the Land Register of Scotland
115 Land register rules
116 Subordinate legislation
117 Ancillary provision
118 Transitional provisions
119 Minor and consequential modifications
120 Saving provisions
121 Crown application
122 The designated day
123 Commencement
124 Short title

SCHEDULE 1 — Registered leases tenanted in common
1 Shared leases
2 The Keeper may, if the Keeper considers it appropriate—
3 In the following provisions of this schedule—
4 Unless the context otherwise requires, any reference in a document...
5 Registration has the same effect in relation to a share...
6 Shared lease and sharing lease title sheets
7 The Keeper must also enter— (a) in the property section...
8 The Keeper must not enter in or, if entered, must...
9 The Keeper may, if the condition mentioned in paragraph 10...
10 The condition is that the encumbrance to which the entry...
11 Conversion of shared lease title sheet to ordinary lease title sheet
12 Where the Keeper revokes a designation, the Keeper must make...

SCHEDULE 2 — Amendment of Registration of Leases (Scotland) Act 1857
1 The Registration of Leases (Scotland) Act 1857 (c.26) is amended...
2 In section 1 (long leases, and assignations thereof, registrable in...
3 In the title of section 1 as so amended, for...
4 In section 2 (recorded leases effectual against singular successors in...
5 In the title of section 2 as so amended, for...
6 In section 3 (assignations of recorded leases)—
7 In the title of section 3 as so amended, before...
8 In section 10 (adjudgers to complete right by recording abbreviate)—...
9 In section 12 (preferences regulated by date of recording transfer)—...
10 In the title of section 12 as so amended, before...
11 In section 13 (renunciations and discharges to be recorded)—
12 In the title of section 13 as so amended, before...
13 In section 14 (entry of decree of reduction)—
14 In section 15 (mode of registering etc.)—
15 In section 16 (registration equivalent to possession), after
subsection (2)...
16 After section 20B (as inserted by section 52) insert— Disapplication...
17 Before schedule (A.) insert— SCHEDULE (ZA.) FORM OF
ASSIGNATION OF...
18 In each of schedules (A.) (form of assignation of lease),...
19 In the title of schedule (A.), at the end insert...
20 Schedule (B.) (form of bond and assignation in security) and...
21 Schedule (D.) (form of translation of assignation in security) and...
22 Before schedule (G.) insert— SCHEDULE (ZG.) RENUNCIATION OF
LEASE REGISTERED...
23 In the title of schedule (G.), at the end insert...

SCHEDULE 3 — Amendment of Requirements of Writing (Scotland) Act 1995
1 The 1995 Act is amended as follows.
2 After section 1 insert— Part 2 Traditional documents Application of...
3 In section 2 (type of writing required for formal validity...
4 In the title of section 2, after “certain” insert “traditional”....
5 Sections 2A, 2B and 2C are repealed.
6 In section 3 (presumption as to granter’s subscription or date...
7 Section 3A is repealed.
8 In section 4 (presumption as to granter’s subscription or date...
9 In section 5 (alterations to documents: formal validity and
presumptions)—....
10 In the title of section 5, for “documents” substitute “traditional...
11 In section 6 (registration of documents)— (a) in subsection (1),...
12 In the title of section 6, for “documents” substitute “traditional...
13 Section 6A is repealed.
14 In section 7 (subscription and signing)— (a) in subsection (1),...
15 In section 8 (annexations to documents)— (a) in subsection (1),...
16 In the title of section 8, for “documents” substitute “traditional...
17 In section 9 (subscription on behalf of blind granter or...
18 Section 11 is repealed.
19 In section 12 (interpretation)— (a) in subsection (1)—
20 In section 13 (Crown application), in subsection (1)(c), after “Sasines”...
21 The provisions of sections 10 to 15 as amended by...
22 The title of Part 4 is “General provisions”.
23 In schedule 1 (alterations made to documents after subscription)—
24 In the title to schedule 1, for “document” substitute “traditional...
25 In schedule 2 (subscription and signing: special cases)—
26 In schedule 3 (modifications of the Act in relation to...
27 In paragraph 1 of schedule 4 (minor and consequential amendments)
—...
23 Civil Aviation Act 1982 (c.16)
24 Litter Act 1983 (c.35)
25 Health and Social Services and Social Security Adjudications Act 1983 (c.41)
26 Telecommunications Act 1984 (c.12)
27 Matrimonial and Family Proceedings Act 1984 (c.42)
28 Bankruptcy (Scotland) Act 1985 (c.66)
29 Housing Associations Act 1985 (c.69)
30 Law Reform (Miscellaneous Provisions)(Scotland) Act 1985 (c.73)
31 Electricity Act 1989 (c.29)
32 Property Misdescriptions Act 1991 (c.29)
33 Agricultural Holdings (Scotland) Act 1991 (c.55)
34 Coal Industry Act 1994 (c.21)
35 Land Registers (Scotland) Act 1995 (c.14)
36 Petroleum Act 1998 (c.17)
37 Public Finance and Accountability (Scotland) Act 2000 (asp 1)
38 Adults with Incapacity (Scotland) Act 2000 (asp 4)
39 Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)
40 Standards in Scotland’s Schools etc. Act 2000 (asp 6)
41 National Parks (Scotland) Act 2000 (asp 10)
42 Housing (Scotland) Act 2001 (asp 10)
43 Title Conditions (Scotland) Act 2003 (asp 9)
44 Civil Partnership Act 2004 (c.33)
45 Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 (asp 10)
46 Tenements (Scotland) Act 2004 (asp 11)
47 Edinburgh Tram (Line Two) Act 2006 (asp 6)
48 Edinburgh Tram (Line One) Act 2006 (asp 7)
49 Waverley Railway (Scotland) Act 2006 (asp 13)
50 Companies Act 2006 (c.46)
51 Glasgow Airport Rail Link Act 2007 (asp 1)
52 Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)
53 Edinburgh Airport Rail Link Act 2007 (asp 16)
54 Airdrie-Bathgate Railway and Linked Improvements Act 2007 (asp 19)
55 Energy Act 2008 (c.32)