

# LAND REGISTRATION ETC. (SCOTLAND) ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Registration**

##### **Notification**

##### ***Section 40: Notification of acceptance, rejection or withdrawal of application***

111. Subsection (1) requires the Keeper, on acceptance or rejection of an application, to notify at least the applicant and any granter of a deed to be registered.
112. Subsection (2) requires the Keeper, on an application for registration being withdrawn, to notify certain parties.
113. Subsection (3) provides that the duty on the Keeper in subsections (1) and (2) does not need to be carried out when it is not reasonably practicable to do so.

##### ***Section 41: Notification to proprietor***

114. This section provides for notification to the proprietor in two cases. First, where there is an application for a first registration of a plot of land under section 21 as a result of the conditions under section 25 being met. An example is an application for registration of an assignation of an unregistered lease over unregistered land. The second case is where the Keeper has performed a Keeper-induced registration under section 29. In both cases, the owner of the land may be unaware that the plot of land has been registered in the Land Register.
115. Subsection (3) provides that the duty on the Keeper in subsections (1) and (2) does not need to be carried out when it is not reasonably practicable to do so.

##### ***Section 42: Notification to Scottish Ministers of certain applications***

116. This section requires the Keeper to notify the Scottish Ministers when an application for registration is rejected on the grounds that it relates to a transfer that is prohibited by the Land Reform (Scotland) Act 2003 in relation to community interests in land.