



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 2

REGISTRATION

Registration without deed

27 Application for voluntary registration

- (1) A person mentioned in subsection (2) may apply for registration of an unregistered plot of land or any part of that plot.
- (2) The person is the owner (or, in the case of ownership in common, any of the owners) of the plot.
- (3) The Keeper must accept an application under subsection (1) to the extent—
 - (a) the applicant satisfies the Keeper that, as at the date of the application, the following are met—
 - (i) the general application conditions, and
 - (ii) the conditions mentioned in section 28, and
 - (b) the Keeper is satisfied that it is expedient that the plot (or the part of the plot) should be registered.
- (4) To the extent the applicant does not so satisfy the Keeper, the Keeper must reject the application.
- (5) Where the application is in respect of a part of a plot of land, references to the plot in section 28 and section 30 in so far as it applies by virtue of this section are to be read as references to the part.
- (6) The Scottish Ministers may by order repeal subsection (3)(b).
- (7) Before making such an order, the Scottish Ministers must consult the Keeper.
- (8) An order under subsection (6) may make different provision for different areas.

28 Conditions of registration: voluntary registration

- (1) The conditions are that—
 - (a) there is submitted with the application a plan or description of the plot sufficient to enable the Keeper to delineate the plot's boundaries in the cadastral map,
 - (b) where within the plot there is a lesser area in respect of which a registrable encumbrance is constituted there is included in, or submitted with, the application a plan or description sufficient to enable the Keeper to delineate the boundaries of the lesser area in the cadastral map.
- (2) Subsection (1)(a) and (b) does not apply—
 - (a) if the plot to which the application relates is a flat in a flatted building, and
 - (b) either—
 - (i) the flatted building is, by virtue of section 16, represented as a single cadastral unit on the cadastral map, or
 - (ii) the Keeper has indicated that the flatted building is, by virtue of that section, to be so depicted.
- (3) Despite subsection (2), subsection (1)(a) and (b) applies in so far as the plot includes a pertinent outwith the flatted building, being a pertinent only of the plot.
- (4) Subsection (1)(b) does not apply in relation to an encumbrance which consists of—
 - (a) a right to lead a pipe, cable, wire or other such enclosed unit over or under land, or
 - (b) a servitude created other than by registration.

29 Keeper-induced registration

- (1) Other than on application and irrespective of whether the proprietor or any other person consents, the Keeper may register an unregistered plot of land or part of that plot.
- (2) Where the Keeper decides under this section to register a part of a plot, references to the plot in section 30 are to be read as references to the part.