



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 2

REGISTRATION

Applications for registration

23 Conditions of registration: transfer of unregistered plot

- (1) The conditions are that—
- (a) the application is made by the grantee of the disposition or as the case may be the person in whose favour is the notice of title,
 - (b) the deed is valid,
 - (c) the deed so describes the plot as to enable the Keeper to delineate its boundaries on the cadastral map,
 - (d) 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 on the cadastral map,
 - (e) there is included in the application a description of every public right of way (by whatever means) over or through the plot in so far as known to the applicant.
- (2) Subsection (1)(c) and (d) do 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 represented.
- (3) Despite subsection (2), subsection (1)(c) and (d) apply in so far as the plot includes a pertinent outwith the flatted building, being a pertinent only of the plot.
- (4) Subsection (1)(d) does not apply in relation to an encumbrance which consists of—

Status: This is the original version (as it was originally enacted).

- (a) a right to lead a pipe, cable, wire or other such enclosed unit over or under land,
 - (b) a servitude created other than by registration.
- (5) In this section, “the deed” means the disposition or as the case may be the notice of title.