



# Land Reform (Scotland) Act 2016

## 2016 asp 18

### PART 3

#### INFORMATION ABOUT CONTROL OF LAND ETC.

##### *Information relating to proprietors of land etc.*

#### **43 Power of Keeper to request or require information relating to proprietors of land etc.**

- (1) The Land Registration etc. (Scotland) Act 2012 is amended as follows.
- (2) After section 48 insert—

*“Entry of information relating to categories of owners and tenants in the register*

#### **48A Power to request or require information relating to categories of owners and tenants**

- (1) The Scottish Ministers may, by regulations, make provision enabling the Keeper to request or, as the case may be, require information relating to the category of person or body into which a person mentioned in subsection (2) falls.
- (2) The persons referred to in subsection (1) (“relevant persons”) are—
  - (a) owners of plots of land,
  - (b) proprietors of registered plots of land and registered leases, and
  - (c) tenants of leases which are registered or registrable.
- (3) Regulations under subsection (1) may, in particular, make provision—
  - (a) about the persons who are owners, proprietors and tenants for the purposes of subsection (2),
  - (b) about the information, relating to the category of person or body into which a relevant person falls, provision of which may be requested or required,

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- (c) about the form in which the information is to be provided, which may consist of (or include) declarations by, or on behalf of, relevant persons about the category of person or body into which a relevant person falls,
  - (d) about the circumstances in which information may be requested,
  - (e) about the circumstances in which information requires, and does not require, to be provided,
  - (f) about the effect (if any) of providing (or not providing) information,
  - (g) about the entry of the information in the register,
  - (h) about whether the Keeper's warranty under Part 7 is to apply in relation to information obtained under the regulations,
  - (i) about the circumstances in which information obtained under the regulations may be corrected or updated,
  - (j) about the circumstances in which information obtained under the regulations may be provided to other persons,
  - (k) about the circumstances in which information obtained under the regulations may be published,
  - (l) for fees relating to the provision, correction or updating of information under the regulations.
- (4) Regulations under subsection (1) which make provision enabling the Keeper to require information may include provision relating to offences for failure to comply with requirements imposed by the regulations.
- (5) Where regulations under subsection (1) include provision creating offences—
- (a) they must provide for those offences to be triable summarily only, and
  - (b) they must provide for the maximum penalty for those offences to be a fine, which must not exceed level 3 on the standard scale.
- (6) The Scottish Ministers must consult the Keeper before laying a draft of regulations under subsection (1) before the Scottish Parliament.
- (7) Regulations under subsection (1) may include such incidental, supplementary or consequential provision as the Scottish Ministers consider appropriate for the purposes of, or in connection with, the regulations.
- (8) Regulations under subsection (1) may modify any enactment (including this Act).

#### **48B Power to enter information relating to categories of owners and tenants in the register**

- (1) The Scottish Ministers may, by regulations, make provision enabling the Keeper to enter, in the register, information relating to the category of person or body into which a person mentioned in subsection (2) falls.
- (2) The persons referred to in subsection (1) ("relevant persons") are—
  - (a) owners of plots of land,
  - (b) proprietors of registered plots of land and registered leases, and
  - (c) tenants of leases which are registered or registrable.
- (3) Regulations under subsection (1) may, in particular, make provision—

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- (a) about the persons who are owners, proprietors and tenants for the purposes of subsection (2),
  - (b) about notification by the Keeper of the intention to enter the information,
  - (c) about the circumstances in which the Keeper may enter the information,
  - (d) for the information that may be entered and the form in which it is to be entered,
  - (e) about the effect (if any) of entering the information,
  - (f) about whether the Keeper's warranty under Part 7 is to apply in relation to information entered under the regulations,
  - (g) about the circumstances in which information entered under the regulations may be corrected or updated,
  - (h) about the circumstances in which information entered under the regulations may be provided to other persons,
  - (i) about the circumstances in which information entered under the regulations may be published,
  - (j) for fees relating to the correction or updating of information under the regulations.
- (4) The Scottish Ministers must consult the Keeper before laying a draft of regulations under subsection (1) before the Scottish Parliament.
- (5) Regulations under subsection (1) may include such incidental, supplementary or consequential provision as the Scottish Ministers consider appropriate for the purposes of, or in connection with, the regulations.
- (6) Regulations under subsection (1) may modify any enactment (including this Act)."
- (3) In section 116 (subordinate legislation), in subsection (3), after paragraph (b) insert—
  - "(ba) section 48A(1),
  - (bb) section 48B(1),"
- (4) In section 121 (Crown application)—
  - (a) in subsection (1), after first "Crown" insert "of a requirement imposed by regulations under section 48A or",
  - (b) in subsection (3)—
    - (i) for "section 112 applies" substitute "regulations under section 48A and section 112 apply",
    - (ii) for "it applies" substitute "they apply".