



Forestry and Land Management (Scotland) Act 2018

2018 asp 8

PART 4

FELLING

CHAPTER 7

REGISTRATION OF NOTICES UNDER CHAPTERS 6 AND 8

40 Registration of notices of variation

- (1) Subsection (3) applies where the Scottish Ministers and the owner of land to which a relevant registered notice relates agree in writing that the relevant registered notice is to be varied.
- (2) In this section and section 41, a “relevant registered notice” means—
 - (a) a registered notice to comply,
 - (b) a registered remedial notice.
- (3) The Scottish Ministers must apply to register a notice (a “notice of variation”) specifying—
 - (a) the date of registration of the relevant registered notice to which the notice of variation relates,
 - (b) a description of the land to which the relevant registered notice relates,
 - (c) that the relevant registered notice is varied, and
 - (d) a description of how the relevant registered notice is varied.
- (4) On registration, the notice of variation varies the relevant registered notice to which it relates as described in subsection (3)(d).

Changes to legislation: There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, CHAPTER 7. (See end of Document for details)

Commencement Information

I1 S. 40 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

41 Registration of notices of discharge from compliance

- (1) Subsection (2) applies where—
 - (a) the Scottish Ministers are satisfied that a relevant registered notice in respect of land has been complied with, or
 - (b) the Scottish Ministers and an owner of land to which a relevant registered notice relates agree in writing that the relevant registered notice is to be discharged.
- (2) The Scottish Ministers must apply to register a notice (a “notice of discharge from compliance”) in relation to the land specifying—
 - (a) the date of registration of the relevant registered notice to which the notice of discharge from compliance relates,
 - (b) a description of the land to which the relevant registered notice relates, and
 - (c) that the relevant registered notice is discharged.
- (3) On registration, the notice of discharge from compliance discharges the relevant registered notice to which it relates.

Commencement Information

I2 S. 41 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

42 Meaning of “register”

- (1) In this Chapter and in Chapter 8, “register”, in relation to the notices mentioned in subsection (2), means register the information contained in the notice in question in the Land Register of Scotland or (as the case may be) record the notice in question in the General Register of Sasines, and “registered” and “registration” are to be construed accordingly.
- (2) The notices are—
 - (a) a notice to comply,
 - (b) a notice of variation,
 - (c) a notice of discharge from compliance,
 - (d) a remedial notice,
 - (e) a notice of liability for expenses,
 - (f) a notice of discharge of liability for expenses.

Commencement Information

I3 S. 42 in force at 1.4.2019 by S.S.I. 2019/47, reg. 2 (with regs. 3-22)

Changes to legislation: There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, CHAPTER 7. (See end of Document for details)

43 Descriptions of land

For the purposes of sections 38(2)(c), 40(3)(b), 41(2)(b), 56(b), 64(d) and 66(2)(c) the description of the land must—

- (a) in the case of land registered in the Land Register of Scotland, include the title number of the land,
- (b) in the case where the title to the land (or a larger area containing the land) is derived from a deed recorded in the General Register of Sasines, identify the land by reference to that deed.

Commencement Information

I4 [S. 43](#) in force at 1.4.2019 by [S.S.I. 2019/47](#), [reg. 2](#) (with [regs. 3-22](#))

44 Receipt of notices by Keeper

- (1) The Keeper of the Registers of Scotland is not required to investigate or determine whether the information contained in a notice mentioned in subsection (2) that is submitted for registration is accurate.
- (2) The notices are—
 - (a) a notice to comply,
 - (b) a notice of variation,
 - (c) a notice of discharge from compliance,
 - (d) a remedial notice,
 - (e) a notice of liability for expenses,
 - (f) a notice of discharge of liability for expenses.

Commencement Information

I5 [S. 44](#) in force at 1.4.2019 by [S.S.I. 2019/47](#), [reg. 2](#) (with [regs. 3-22](#))

Changes to legislation:

There are currently no known outstanding effects for the Forestry and Land Management (Scotland) Act 2018, CHAPTER 7.