

SCHEDULE 1

Regulation 6(3)

Appeals

1. A person who wishes to appeal to the Scottish Ministers under regulation 6 must give to the Scottish Ministers written notice of the appeal together with the documents specified in paragraph 2 and must at the same time send to the Keeper a copy of that notice together with a copy of the document specified in paragraph 2(a).

2. The documents mentioned in paragraph 1 are—

- (a) a statement of the grounds of appeal;
- (b) a copy of any relevant application;
- (c) a copy of any relevant authorisation;
- (d) a copy of any relevant correspondence between the appellant and the Keeper; and
- (e) a copy of any decision which is the subject matter of the appeal.

3. An appellant may withdraw an appeal by notifying the Scottish Ministers in writing and must send a copy of that notification to the Keeper.

4. Subject to paragraph 5, notice of appeal in accordance with paragraph 1 is to be given, in the case of an appeal against a decision to—

- (a) refuse an authorisation, before the expiry of 3 months beginning with the date of the decision; or
- (b) suspend or revoke an authorisation—
 - (i) where a period of notice is given in the notice, before the date on which the suspension or revocation takes effect; or
 - (ii) where immediate, before the expiry of 3 months beginning with the date of the suspension or revocation.

5. The Scottish Ministers may where there is a good reason to do so allow notice of appeal to be given after the expiry of the period mentioned in paragraph 4(a) or (b)(ii).

Procedure for appeals

6. The Keeper must submit written representations to the Scottish Ministers not later than 28 days after the date of receiving a copy of the document mentioned in paragraph 1.

7. The appellant must make any further written representations by way of reply to representations from the Keeper not later than 28 days after the date of submission of those representations by the Keeper under paragraph 6.

8. Any written representations made by the appellant or the Keeper must bear the date on which they are submitted to the Scottish Ministers.

9. When the Keeper or the appellant submits any written representations to the Scottish Ministers the Keeper or the appellant must at the same time send a copy to the other party.

10. The Scottish Ministers may in a particular case (either or both)—

- (a) dispose of the case on the basis of written representations;
- (b) where there is a good reason to do so, permit the appeal to be disposed of by a hearing before a person appointed by the Scottish Ministers; or
- (c) (either or both)—
 - (i) where appropriate, set later time limits than;

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Land Register of Scotland (Automated Registration) etc. Regulations 2014 No. 347

- (ii) require exchanges of representations between the parties in addition to,
- (d) those mentioned in paragraphs 6, 7 and 9.

Determination of appeal

11. The Scottish Ministers must give notice to the parties of their determination of the appeal and their reasons for that determination.

12. The Scottish Ministers may include in the determination such order as to the expenses of the appeal as they consider reasonable.