
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

LAND REFORM

The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021

Made - - - - 2021

Coming into force 1st April 2022

THE LAND REFORM (SCOTLAND) ACT 2016
(REGISTER OF PERSONS HOLDING A CONTROLLED
INTEREST IN LAND) REGULATIONS 2021

PART 1

Introduction

1. Citation and commencement
2. Interpretation

PART 2

Register of persons holding a controlled interest in land

Establishment and contents

3. Register of persons holding a controlled interest in land
4. Making of entries in the RCI
5. Amendment of the RCI
6. Timing of amending an entry
7. Associates – unique reference numbers
8. Protection of the RCI

Access to the RCI

9. Access to the RCI

PART 3

Duties to provide information

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021 ISBN 978-0-11-104814-6

Information to be provided by persons who own or tenant land subject to the control of another

10. Duty to notify of controlled interest and associates
11. Required details of an associate
12. Information about events affecting the RCI
13. Notification of associates about registration

Information associates must provide

14. Associate's duty to notify of association
15. Duty of associate to provide information upon request

Security declaration

16. Security declaration
17. Revocation of security declarations
18. Appeals against decisions about security declarations

PART 4

Miscellaneous

Referrals

19. Referrals

Offences

20. Offence of giving false or misleading information
21. Defence to false or misleading information offences
22. Individual culpability where organisation commits offence

Other

23. Notification of Keeper on event of death, winding up or dissolution
24. Specified forms
25. Provision of information by the Keeper to Scottish Ministers

PART 5

Application and transitional provisions

26. Application of these Regulations
Signature

SCHEDULE 1 — Persons who have significant influence or control over another

PART 1 — Contractual or other arrangements with an individual

1. Application
 2. Exceptions
- PART 2 — Partnerships
3. Application
 4. Exceptions
 5. Interpretation of Part 2
- PART 3 — Trusts
6. Application
 7. Exceptions

8. Interpretation of this Part
 - PART 4 — Unincorporated bodies
9. Application
10. Exceptions
11. Interpretation of Part 4
 - PART 5 — Overseas entities
12. Application
13. Exceptions
14. Interpretation of Part 5
15. Examples of significant influence and control include, in particular, where —...
16. “Legal entity” means a body corporate, partnership or an unincorporated...
17. “Overseas entity” means a legal entity, other than a person...
18. (1) For the purposes of paragraphs 19 and 23, “arrangement”...
19. (1) If rights held by a person or rights held...
20. (1) A reference to the voting rights in an overseas...
21. (1) A reference to a power to appoint or remove...
22. (1) A person holds a right “indirectly” if the person...
23. (1) Where a person controls a right, the right is...
24. (1) Rights that are exercisable only in certain circumstances are...
25. (1) An individual does not meet a condition mentioned in...

SCHEDULE 2 — List of persons subject to other transparency regimes

1. Charitable incorporated associations
2. Companies and other bodies corporate
3. Public authorities
4. Partnerships other than general partnerships

SCHEDULE 3 — Evidence to support security declarations

1. Orders and interdicts
2. Attestations

Explanatory Note