
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

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

PART 3

Duties to provide information

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

Duty to notify of controlled interest and associates

- 10.**—(1) This regulation applies to a person who is a recorded person.
- (2) This regulation does not apply to any person of a type listed in schedule 2 (list of persons subject to other transparency regimes).
- (3) A person to whom this regulation applies must provide the Keeper with—
- (a) the person’s name, address and, if applicable, registered number,
 - (b) in relation to the land—
 - (i) if the land is registered in the Land Register, the title number of the land,
 - (ii) if the land is not registered in the Land Register, a description of the land which is sufficient for it to be identified,
 - (c) details of the capacity in which the person owns or tenants the land (for example as an individual, partner or trustee), and
 - (d) in relation to each associate—
 - (i) the required details, and
 - (ii) if a security declaration has effect in respect of an associate, a copy of that declaration.
- (4) For the purposes of paragraph 3(d), where an associate has more than one association with a person to whom this regulation applies in relation to the land, a person to whom this regulation applies is only required to provide the Keeper with the information mentioned in paragraph 3(d) once.
- (5) Before providing any information under paragraph (3), the person must—
- (a) take reasonable steps to verify the accuracy of the associate’s required details with the associate, and
 - (b) inform the associate about—
 - (i) the timescales for responding (see regulation 15(2)),
 - (ii) the offences in this regulation for failure to comply,
 - (iii) the right to make a security declaration, and

- (iv) the duty of an associate to notify the person about changes to the associate's required details.
- (6) Information provided under paragraph (3) must be in a notice in the specified form.
- (7) The notice must be given within the period of 60 days beginning with the day on which the associate becomes an associate of the person.
- (8) A person who, without reasonable excuse, fails to comply with this regulation commits an offence.
- (9) Without limiting paragraph (8), a person has a reasonable excuse in respect of a particular associate if—
 - (a) the person, having taken reasonable steps to do so, is unable—
 - (i) to establish that there any associates for the person, or
 - (ii) to obtain, or verify the accuracy of, the required details of the associate, and
 - (b) the person has given notice to that effect to the Keeper in the specified form.
- (10) A person who commits an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Required details of an associate

- 11.—**(1) For the purposes of these Regulations, the “required details” of an associate are—
- (a) the information about the associate specified in paragraph (2), and
 - (b) in every case—
 - (i) the date on which the associate's association with the person who owns or tenants the land was formed, or
 - (ii) a statement that such date is not known.
- (2) The information referred to in paragraph (1)(a) is—
- (a) in a case where the associate is an individual, the associate's—
 - (i) name,
 - (ii) contact address, and
 - (iii) day, month and year of birth,
 - (iv) if applicable, any unique reference number allocated to the associate by the Keeper under regulation 7,
 - (b) in a case where the associate is a non-natural person, other than a person of a type listed in schedule 2, the associate's—
 - (i) name,
 - (ii) if applicable, registered number,
 - (iii) the address of its registered office or, where it does not have such an office, an address at which it may be contacted,
 - (iv) if applicable, any unique reference number allocated to the associate by the Keeper under regulation 7, or
 - (c) in a case where the associate is a person of a type listed in schedule 2 (list of persons subject to other transparency regimes), the associate's—
 - (i) name,
 - (ii) if applicable, registered number,

- (iii) the address of its registered office or, where it does not have such an office, an address at which it may be contacted,
- (iv) if applicable, any unique reference number allocated to the associate by the Keeper under regulation 7,
- (v) the paragraph of schedule 2 that applies to the associate.

Information about events affecting the RCI

12.—(1) If an event mentioned in column 1 of the following table occurs, the person mentioned in column 2 of that table for the event must give the Keeper notice, in the specified form, of—

- (a) the event, and
- (b) the information specified in column 3 in relation to the event.

<i>Event</i> <i>(Column 1)</i>	<i>Person</i> <i>(Column 2)</i>	<i>Information to be given</i> <i>(Column 3)</i>
a recorded person becoming aware that a person notified under regulation 10(3) as being an associate ceases to be an associate	the recorded person	<ul style="list-style-type: none"> (a) the recorded person’s name and address, (b) the title number of the land, or where there is no title number, a description of the land that the recorded person owns or tenants which is sufficient for it to be identified, (c) the former associate’s required details, and (d) the date (if known) on which the former associate ceased to be an associate
a recorded person ceasing to be a person to whom regulation 10 applies	the recorded person	<ul style="list-style-type: none"> (a) the person’s name and address, (b) the title number of the land, or where there is no title number, a description of the land that the person owns or tenants which is sufficient for it to be identified, (c) the date on which regulation 10 ceased to apply to the person,
a recorded person becoming aware that any other information notified by the person under regulation 10(3) has changed	the recorded person	<ul style="list-style-type: none"> (a) the recorded person’s name and address, (b) the title number of the land, or where there is no title number, a description of the land that the recorded person owns or tenants which is sufficient for it to be identified,

<i>Event</i>	<i>Person</i>	<i>Information to be given</i>
<i>(Column 1)</i>	<i>(Column 2)</i>	<i>(Column 3)</i>
		(c) the change to the information, and (d) the date (if known) on which the change occurred.

(2) The notice must be given—

- (a) in a case where the associate has notified the recorded person of the event, as soon as practicable after receipt of the notification, or
- (b) in any other case, within 60 days beginning with the date on which the event occurred.

(3) Before giving notice under paragraph (2) the recorded person must take reasonable steps to verify the accuracy of the information to be given in the notice with the associate.

(4) A person who is subject to a duty under this regulation commits an offence if the person, without reasonable excuse, fails to comply with this regulation.

(5) Without limiting paragraph (4), a recorded person has a reasonable excuse in respect of a particular associate if—

- (a) the recorded person, having taken reasonable steps to do so, is unable to verify the accuracy of the information to be given in the notice, and
- (b) the recorded person has given notice to that effect to the Keeper in the specified form.

(6) A person who commits an offence under paragraph (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Notification of associates about registration

13.—(1) This regulation applies if a person gives the Keeper a notice about an associate under regulation 10(3).

(2) The person must give notice of that fact to the associate in the specified form.

(3) The notice must be given within the period of 7 days beginning on the day on which the notice was given under regulation 10(3).

(4) For the purpose of this regulation, the form of notice specified by the Keeper under regulation 24(3) must—

- (a) require the date that the notice under regulation 10(3) was given to be specified, and
- (b) inform the associate about the effect of the following provisions—
 - (i) regulation 15(3) and (5) (the duty of associates to provide information upon request),
 - (ii) regulation 16 (the right to make a security declaration).

(5) A person who, without reasonable excuse, fails to comply with this regulation commits an offence.

(6) A person who commits an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.