

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Land Registration etc. (Scotland) Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 12 January 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 5

(introduced by section 119)

### MINOR AND CONSEQUENTIAL MODIFICATIONS

#### *Lands Clauses Consolidation (Scotland) Act 1845 (c.19)*

- 1 In the Lands Clauses Consolidation (Scotland) Act 1845, in the note to schedule (A.) (form of conveyance)—
- (a) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
  - (b) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.

#### **Commencement Information**

**II** Sch. 5 para. 1 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

#### *Commissioners Clauses Act 1847 (c.16)*

- 2 (1) The Commissioners Clauses Act 1847 is amended as follows.
- (2) In section 59(2) (conveyance of lands by commissioners)—
- (a) in paragraph (a)—
    - (i) for “in accordance with section 7 of, and paragraph 5 of Schedule 2 to,” substitute “ or authenticated in accordance with ”,
    - (ii) for “subscribed in accordance with the said section 7” substitute “ so subscribed or authenticated ”,
    - (iii) for “ , followed by infetment duly recorded” substitute “ or authenticated, duly registered in the Land Register of Scotland ”,
  - (b) in paragraph (b), for “word “subscribed”” substitute “ the words “subscribed or authenticated” ”.
- (3) In section 75(2)(c) (form of mortgage)—
- (a) in sub-paragraph (i), repeal “section 7 of, and paragraph 5 of Schedule 2 to,”,
  - (b) in sub-paragraph (ii), for “section 7” substitute “ Act ”.

#### **Commencement Information**

**I2** Sch. 5 para. 2 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

#### *Ordnance Board Transfer Act 1855 (c.117)*

- 3 In section 5(2) of the Ordnance Board Transfer Act 1855 (description in conveyances etc.), after “subscribing” insert “ , or as the case may be authenticating, ”.

#### **Commencement Information**

**I3** Sch. 5 para. 3 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

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*Transmission of Moveable Property (Scotland) Act 1862 (c.85)*

- 4 In the Transmission of Moveable Property (Scotland) Act 1862, in the note to each of schedules A (form for assignation of bond or conveyance) and B (form of bond or conveyance)—
- (a) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
  - (b) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.

**Commencement Information**

**I4** [Sch. 5 para. 4](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

*Land Registers (Scotland) Act 1868 (c.64)*

- 5 (1) The Land Registers (Scotland) Act 1868 is amended as follows.
- (2) Sections 13, 19 and 25 are repealed.

**Commencement Information**

**I5** [Sch. 5 para. 5](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

*Titles to Land Consolidation (Scotland) Act 1868 (c.101)*

- 6 (1) The Titles to Land Consolidation (Scotland) Act 1868 is amended as follows.
- (2) In section 159 (litigiosity not to begin before date of registration of notice of summons)—
- (a) the existing provisions become subsection (1),
  - (b) after that subsection insert—
 

“(2) A notice registered under subsection (1) on or after the date on which section 67 of the Land Registration etc. (Scotland) Act 2012 (asp 5) (warrant to place a caveat) comes into force shall not have any effect in rendering litigious any land a title sheet for which is comprised in the Land Register of Scotland or in placing in bad faith any person acquiring such land.”.
- (3) In section 159A (registration of notice of summons of action of reduction)—
- (a) in each of subsections (2)(b) and (3)(b), repeal “register in the Land Register of Scotland or, as the case may be,”,
  - (b) after subsection (3) insert—
 

“(4) This section does not apply in relation to lands for which there is a title sheet in the Land Register of Scotland.”.
- (4) In schedule B, in form No. 1 (formal clauses of a disposition of land etc.), in the note relating to subscription of the document in question—
- (a) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,

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- (b) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.

**Commencement Information**

**I6** Sch. 5 para. 6 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Conveyancing (Scotland) Act 1874 (c.94)*

- 7 (1) The Conveyancing (Scotland) Act 1874 is amended as follows.
- (2) In schedule M (form of assignation of right of relief etc.), in the note—
- (a) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
- (b) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.

**Commencement Information**

**I7** Sch. 5 para. 7 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Trusts (Scotland) Act 1921 (c.58)*

- 8 (1) The Trusts (Scotland) Act 1921 is amended as follows.
- (2) In schedule A (form of minute of resignation), in the note—
- (a) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
- (b) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.
- (3) In schedule B (form of deed of assumption), in the note—
- (a) for “Subscription of the document by the granter or granters of it” substitute “ In the case of a traditional document, subscription of it by the granter or granters ”,
- (b) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.

**Commencement Information**

**I8** Sch. 5 para. 8 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Conveyancing (Scotland) Act 1924 (c.27)*

- 9 (1) The Conveyancing (Scotland) Act 1924 is amended as follows.
- (2) In section 2(5) (interpretation), after “registrable” insert “ in the Land Register of Scotland or ”.
- (3) In section 3 (disposition etc.), for “manner” substitute “ such manner as was (immediately before the repeal of the note) ”.

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- (4) In section 44 (General Register of Inhibitions and Register of Adjudications to be combined; limitation of effect of entries therein), after subsection (2) insert—
- “(2A) A notice registered under subsection (2)(a)(i) of this section on or after the date on which section 67 of the Land Registration etc. (Scotland) Act 2012 (asp 5) (warrant to place a caveat) comes into force shall not have any effect in rendering—
- (a) any land or lease for which there is a title sheet in the Land Register of Scotland, or
- (b) any heritable security the particulars of which are entered in a title sheet in that register,
- litigious or in placing in bad faith any person acquiring such land, lease or heritable security.”.
- (5) In schedule B (notice of title), in note 8—
- (a) for “Subscription of the document” substitute “ In the case of a traditional document, subscription of it ”,
- (b) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.
- (6) The title of schedule B becomes “ Forms of notice of title: Register of Sasines ”.

**Commencement Information**

**I9** [Sch. 5 para. 9](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

*Burgh Registers (Scotland) Act 1926 (c.50)*

- 10 The Burgh Registers (Scotland) Act 1926 is repealed.

**Commencement Information**

**I10** [Sch. 5 para. 10](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

*Public Registers and Records (Scotland) Act 1948 (c.57)*

- 11 Section 4 of the Public Registers and Records (Scotland) Act 1948 is repealed.

**Commencement Information**

**I11** [Sch. 5 para. 11](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

*Land Drainage (Scotland) Act 1958 (c.24)*

- 12 In section 18(1) of the Land Drainage (Scotland) Act 1958 (interpretation), in the definition of “long lease”, after “being,” insert “ registered in the Land Register of Scotland or ”.

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**Commencement Information**

**I12** Sch. 5 para. 12 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Harbours Act 1964 (c.40)*

- 13 In section 57(1) of the Harbours Act 1964 (interpretation), in the definition of “long lease”, after “being,” insert “ registered in the Land Register of Scotland or ”.

**Commencement Information**

**I13** Sch. 5 para. 13 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Succession (Scotland) Act 1964 (c.41)*

- 14 In section 21A(a) of the Succession (Scotland) Act 1964 (evidence as to testamentary documents in commissary proceedings), [<sup>F1</sup>after “subscribed” insert “or under section 9C or 9D (or by virtue of section 9E(1)) of that Act to have been authenticated”].

**Textual Amendments**

**F1** Words in sch. 5 para. 14 substituted (8.12.2014) by The Land Registration etc. (Scotland) Act 2012 (Amendment and Transitional) Order 2014 (S.S.I. 2014/346), arts. 1(2), 3

**Commencement Information**

**I14** Sch. 5 para. 14 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Industrial and Provident Societies Act 1965 (c.12)*

- <sup>F2</sup>15 .....

**Textual Amendments**

**F2** Sch. 5 para. 15 repealed (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, Sch. 7 (with Sch. 5)

*Gas Act 1965 (c.36)*

- 16 In section 28(1) of the Gas Act 1965 (interpretation of Part 2 of the Act), in the definition of “long lease” for the purposes of the definition of “owner”, after “being,” insert “ registered in the Land Register of Scotland or ”.

**Commencement Information**

**I15** Sch. 5 para. 16 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

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*Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)*

- 17 (1) The Conveyancing and Feudal Reform (Scotland) Act 1970 is amended as follows.
- (2) In section 9 (the standard security)—
- (a) in subsection (2), after first “to” insert “ grant and register in the Land Register of Scotland or to ”,
  - (b) in subsection (4)—
    - (i) after “duly” insert “ registered or ”,
    - (ii) after “clear” insert “ the Land Register of Scotland or ”,
  - (c) in subsection (8), both—
    - (i) in paragraph (a), after second “being” insert “ registered in the Land Register of Scotland or ”,
    - (ii) in paragraph (b), after “be” insert “ registered in the Land Register of Scotland or ”.
- (3) In section 10(4) (import of forms of, and certain clauses in, standard security), after “duly” insert “ registered or ”.
- (4) In section 11(1) (effect of recorded standard security, and incorporation of standard security), after “duly” insert “ registered or ”.
- (5) In the title of section 11 as so amended, after first “of” insert “ registered or ”.
- (6) In section 12 (standard security may be granted by person uninfert)—
- (a) for subsection (1) substitute—
 

“(1) Notwithstanding any rule of law, a standard security may be granted over land or a real right in land by a person whose title thereto has not been completed by being duly registered or recorded.

(1A) If the deed expressing the security is to be recorded in the Register of Sasines, the grantor must, in that deed, deduce his title to the land or real right from the person who appears in the Register of Sasines as having the last recorded title thereto.”,
  - (b) in subsection (2)—
    - (i) for “such a deed being” substitute “ a deed expressing the security being registered or ”,
    - (ii) repeal “to which he has deduced title therein”,
    - (iii) after “last” insert “ registered or ”.
- (7) In section 13 (ranking of standard securities)—
- (a) in subsection (1)—
    - (i) after “duly” insert “ registered or ”,
    - (ii) after “so” insert “ registered or ”,
  - (b) in subsection (2)(a)—
    - (i) after “duly” insert “ registered or ”,
    - (ii) after “subsequent” insert “ registration or ”,
    - (iii) after third “the” insert “ Land Register of Scotland or ”,
  - (c) after subsection (3) insert—
 

“(4) An agreement as to the ranking among themselves of two or more standard securities which are granted over the same land or the

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same real right in land may be registered in the Land Register of Scotland.”.

- (8) In section 14(1) (assignment of standard security), after “duly”, in both places, insert “ registered or ”.
- (9) In section 15 (restriction of standard security)—
- (a) in subsection (1), after “duly”, in both places, insert “ registered or ”,
  - (b) in subsection (2), after “duly” insert “ registered or ”.
- (10) In section 16 (variation of standard security)—
- (a) in subsection (1), after “duly”, in both places, insert “ registered or ”,
  - (b) in subsection (2)—
    - (i) after “duly” insert “ registered or ”,
    - (ii) after “so” insert “ registered or ”,
    - (iii) after “be” insert “ registered in the Land Register of Scotland or ”,
  - (c) in subsection (4)—
    - (i) after first “is” insert “ registered or ”,
    - (ii) after “an” insert “ unregistered or ”.
- (11) In section 17 (discharge of standard security), after “duly”, in both places, insert “ registered or ”.
- (12) In section 18(3) (redemption of standard security), after “duly” insert “ registered or ”.
- (13) In section 19 (calling-up of standard security)—
- (a) in subsection (2)—
    - (i) after “last”, in both places, insert “ registered or ”,
    - (ii) after first “appearing” insert “ in the Land Register of Scotland or ”,
    - (iii) after “record” insert “ of the Register of Sasines ”,
    - (iv) before “Register” insert “ Land Register of Scotland or ”,
  - (b) in subsection (3), after the word “last”, in both places, insert “ registered or ”.
- (14) In section 26 (disposition by creditor on sale)—
- (a) in subsection (1), after “duly” insert “ registered or ”,
  - (b) in subsection (2), after second “the” insert “ registration or ”.
- (15) In section 27(1)(c) (application of proceeds of sale), after “duly” insert “ registered or ”.
- (16) In section 28 (foreclosure)—
- (a) in subsection (5)—
    - (i) after “duly” insert “ registered or ”,
    - (ii) for “section 15 of the Land Registration (Scotland) Act 1979” substitute “ the Land Registration etc. (Scotland) Act 2012 (asp 5) ”,
    - (iii) after “warrant” insert “ for registering the extract of the decree in the Land Register of Scotland or ”,
  - (b) in subsection (6)—
    - (i) after “duly”, in both places, insert “ registered or ”,
    - (ii) in paragraph (a), after “date” insert “ of the registration or ”,

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- (c) in subsection (7), after “due” insert “ registration or ”.
- (17) In section 30(1) (interpretation of Part 2)—
- (a) for the definition of “duly recorded” substitute—
- ““duly registered or recorded” means registered in the Land Register of Scotland or recorded in the Register of Sasines;”,
- (b) after the definition of “real right in land” insert—
- ““recorded” means recorded in the Register of Sasines;”,
- (c) after the definition of “Register of Sasines” insert—
- ““registered” means registered in the Land Register of Scotland;”.
- (18) In section 53(4) (interpretation of Act other than Part 2), for the definition of “duly recorded” substitute—
- ““duly registered or recorded” means registered in the Land Register of Scotland or recorded in the Register of Sasines;”.
- (19) In the notes to schedule 2 (forms of standard security)—
- (a) in note 2, after first “subjects” insert “ and the deed is to be recorded in the Register of Sasines ”,
- (b) in note 3, after first “security” insert “ to be recorded in the Register of Sasines ”,
- (c) in note 4, after second “be” insert “ registered in the Land Register of Scotland or ”,
- (d) in note 8—
- (i) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
- (ii) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.
- (20) In paragraph 12 of schedule 3 (the standard conditions)—
- (a) before “recorded” insert “ registered or ”,
- (b) before “recording” insert “ registration or ”.
- (21) In schedule 4 (forms of deeds of assignation, restriction etc.) in each of forms A, C, D, E and F, for “recorded in the register for.....on.....” substitute “ registered in the Land Register of Scotland on.....over title number.....(or recorded in the Register for.....on.....) ”.
- (22) In the notes to schedule 4—
- (a) in note 1—
- (i) after first “title” insert “ and the deed is to be recorded in the Register of Sasines ”,
- (ii) before fourth “recorded” insert “ registered or ”,
- (b) in note 3—
- (i) after first “by” insert “ registration of the security in the Land Register of Scotland or ”,
- (ii) for “ “recorded” ” substitute “ registered (or recorded) ”,
- (c) in note 5—
- (i) before “recorded”, in the first two places, insert “ registered or ”,



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- (ii) before third “recorded” insert “ registered in the Land Register of Scotland or ”,
  - (d) in note 6, after first “subjects” insert “ and the deed is to be recorded in the Register of Sasines ”,
  - (e) in note 7—
    - (i) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
    - (ii) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.
- (23) In schedule 5 (procedures as to redemption)—
- (a) in form A, for “recorded in the register for.....on.....” substitute “ registered in the Land Register of Scotland on.....over title number.....(or recorded in the Register for.....on.....) ”,
  - (b) in form D (nos. 1 and 2), for “recorded in the register for.....on.....” substitute “ registered in the Land Register of Scotland on.....over title number.....(or recorded in the Register for.....on.....) ”,
  - (c) in each of the notes to form D—
    - (i) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
    - (ii) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.
- (24) In schedule 6 (procedures as to calling-up and default), in each of forms A and B, for “recorded in the register for.....on.....” substitute “ registered in the Land Register of Scotland on.....over title number.....(or recorded in the Register for.....on.....) ”.
- (25) In schedule 9 (discharge of heritable security constituted by ex facie absolute conveyance), in note 4—
- (a) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
  - (b) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.

#### Commencement Information

**I16** Sch. 5 para. 17 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

#### *Prescription and Limitation (Scotland) Act 1973 (c.52)*

- 18 (1) The Prescription and Limitation (Scotland) Act 1973 is amended as follows.
- (2) In section 1 of the Prescription and Limitation (Scotland) Act 1973 (c.52) (validity of right), for subsection (1)(b) substitute—
- “(b) the registration of a deed which is sufficient in respect of its terms to constitute in favour of that person a real right in—
    - (i) that land; or
    - (ii) land of a description habile to include that land,”.
- (3) In section 2 (special cases)—

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- (a) in subsection (1)(b), for “recorded or not” substitute “ or not registered or recorded ”,
  - (b) in subsection (2)(b), after “been” insert “ registered or ”,
  - (c) in subsection (3), for “section 3(3) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “ section 20B or 20C of the Registration of Leases (Scotland) Act 1857 (c.26) ”.
- (4) In section 5 (further provision supplementary to sections 1, 2 and 3 of the Prescription and Limitation (Scotland) Act 1973), after subsection (1) insert—
- “(1A) Any reference in those sections to a real right's being exempt from challenge as from the expiration of some continuous period is to be construed, if the real right of the possessor was void immediately before that expiration, as including reference to acquisition of the real right by the possessor.”
- (5) In section 15(1) (interpretation of Part 1 of the Act), at end insert “ and to the registering of a deed are to the registering thereof in the Land Register of Scotland ”.
- (6) In paragraph 1 of schedule 1 (obligations affected by prescriptive periods of 5 years under section 6 of that Act), after [<sup>F3</sup>sub-paragraph (aca)] insert—
- “(ad) to any obligation of the Keeper of the Registers of Scotland to pay compensation by virtue of section 84 of the Land Registration etc. (Scotland) Act 2012 (asp 5);
  - “(ae) to any obligation to pay compensation by virtue of section 111 of that Act;”.
- (7) In paragraph 2 of that schedule (obligations which, notwithstanding paragraph 1 of the schedule, are not affected by prescriptive periods of 5 years under section 6 of that Act), in sub-paragraph (e)—
- <sup>F4</sup>(a) .....
  - (b) after “servitude)” insert “ and any obligation of the Keeper of the Registers of Scotland to pay compensation by virtue of section 77 or 94 of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”.
- (8) In schedule 3 (rights and obligations which are imprescriptible for certain purposes of that Act) after sub-paragraph (h) insert—
- “(i) any obligation of the Keeper of the Registers of Scotland to rectify an inaccuracy in the Land Register of Scotland”.

#### Textual Amendments

**F3** Words in sch. 5 para. 18(6) substituted (8.12.2014) by [The Land Registration etc. \(Scotland\) Act 2012 \(Incidental, Consequential and Transitional\) Order 2014 \(S.S.I. 2014/190\)](#), arts. 1(2), **2(2)(a)**

**F4** [Sch. 5 para. 18\(7\)\(a\)](#) repealed (8.12.2014) by [The Land Registration etc. \(Scotland\) Act 2012 \(Incidental, Consequential and Transitional\) Order 2014 \(S.S.I. 2014/190\)](#), arts. 1(2), **2(2)(b)**

#### Commencement Information

**I17** Sch. 5 para. 18 in force at 8.12.2014 by [S.S.I. 2014/127](#), **art. 2**

#### *Land Registration (Scotland) Act 1979 (c.33)*

- 19 (1) The Land Registration (Scotland) Act 1979 is amended as follows.

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- (2) Sections 1 to 14 are repealed.
- (3) In section 15 (simplification of deeds relating to registered interests)—
  - (a) subsections (1) to (3) are repealed,
  - (b) in subsection (4)—
    - (i) for “registered interest in land” substitute “ plot of land or lease registered in the Land Register of Scotland ”,
    - (ii) for “that interest” substitute “ the plot or lease ”.
- (4) Section 19 is repealed.
- (5) Sections 23 to 28 are repealed.
- (6) In section 29(3) (references to recording to include references to registering), paragraph (b) is repealed.
- (7) Section 30 is repealed.
- (8) Schedule 2 is repealed.
- (9) In schedule 3 (enactments not affected by section 29(2))—
  - (a) paragraphs 3, 4, 10, 12 and 13 are repealed,
  - (b) in paragraph 5, for paragraphs (a) to (d) substitute “ The Whole Act. ”,
  - (c) in paragraph 6—
    - (i) for paragraph (d) substitute—
      - “(d) Section 12
      - (da) Section 14”,
    - (ii) paragraph (e) is repealed,
  - (d) in paragraph 7, paragraphs (a), (c) to (f), (i) and (j)) are repealed,
  - (e) in paragraph 8, paragraph (b) is repealed,
  - (f) in paragraph 11—
    - (i) in paragraph (a), repeal “and note 2 to Schedule K”,
    - (ii) paragraphs (d) and (e) are repealed,
    - (iii) in paragraph (f), for “24(3)” to the end substitute “ 24(2) and (3) and that part of subsection (5) from the words “provided that” to the end ”,
    - (iv) for paragraph (g) substitute—
      - “(ga) Section 46”,
    - (v) after paragraph (i) insert—
      - “(j) Schedule J”,
  - (g) in paragraph 16, for paragraphs (a) and (b) substitute “ The Whole Act. ”.
- (10) Schedule 4 is repealed.

#### **Commencement Information**

**I18** Sch. 5 para. 19 in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Land Registration etc. (Scotland) Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 12 January 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Education (Scotland) Act 1980 (c.44)*

- 20 In section 16(2) of the Education (Scotland) Act 1980 (transference of denominational schools to education authorities)—
- (a) for paragraphs (a) and (b) substitute “ by registration in the Land Register of Scotland of an ordinary disposition or other deed of conveyance by the persons vested with the title ”,
  - (b) for “the recording of the deed of conveyance or, as the case may be,” substitute “ such ”.

**Commencement Information**

**I19** [Sch. 5 para. 20](#) in force at 8.12.2014 by [S.S.I. 2014/127, art. 2](#)

*Water (Scotland) Act 1980 (c.45)*

- 21 (1) The Water (Scotland) Act 1980 is amended as follows.
- (2) In section 58(5) (termination of right to supply of water on special terms), for “record” to the end substitute “—
- (a) register in the Land Register of Scotland any agreement entered into, or order made, under the foregoing provisions of this section terminating an obligation to which this section applies if the obligation was itself registered in the Land Register, or
  - (b) record in the Register of Sasines any such agreement or order if the obligation was itself recorded in the Register of Sasines.”.
- (3) In section 68(2) (agreements as to drainage), for “recorded in the appropriate” substitute “ registered in the Land Register of Scotland or recorded in the ”.
- (4) Section 109(5) is repealed.

**Commencement Information**

**I20** [Sch. 5 para. 21](#) in force at 8.12.2014 by [S.S.I. 2014/127, art. 2](#)

*Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59)*

- 22 In section 13(8) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (transfer of tenancy), in the definition of “long lease”, for “section 28(1) of the Land Registration (Scotland) Act 1979” substitute “ section 9(2) of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”.

**Commencement Information**

**I21** [Sch. 5 para. 22](#) in force at 8.12.2014 by [S.S.I. 2014/127, art. 2](#)

*Civil Aviation Act 1982 (c.16)*

- 23 In section 55 of the Civil Aviation Act 1982 (c.16) (registration of orders etc. under Part 2 of the Act)—

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- (a) in subsection (2), repeal “in the Land Register of Scotland”,
- (b) in subsection (3), for second “as” to “interest” substitute “, and on being registered shall be enforceable against any person having or subsequently acquiring any right”,
- (c) for subsection (4) substitute—
  - “(4) References in—
    - (a) subsection (2) above to registering a grant or agreement, or
    - (b) subsection (3) above to registering an instrument,are to registering it in the Land Register of Scotland or, as the case may be, to recording it in the Register of Sasines.”.

**Commencement Information**

**I22** Sch. 5 para. 23 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Litter Act 1983 (c.35)*

- 24 In section 8 of the Litter Act 1983 (provisions supplementary to section 7 of the Act)—
- (a) in subsection (3)—
    - (i) repeal “Subject to subsection (4) below,”,
    - (ii) for the words from “be registered” to “so registered” substitute “—
      - (a) if the land is registered in the Land Register of Scotland, be registered in that register, and
      - (b) in any other case, be recorded in the Register of Sasines,and if the agreement is so registered or recorded it”,
  - (b) subsection (4) is repealed.

**Commencement Information**

**I23** Sch. 5 para. 24 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Health and Social Services and Social Security Adjudications Act 1983 (c.41)*

- 25 In section 23(1) of the Health and Social Services and Social Security Adjudications Act 1983 (arrears of contributions secured over interest in land in Scotland), for “Land Registration (Scotland) Act 1979” substitute “ Land Registration etc. (Scotland) Act 2012 ”.

**Commencement Information**

**I24** Sch. 5 para. 25 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Land Registration etc. (Scotland) Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 12 January 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Telecommunications Act 1984 (c.12)*

- 26 In schedule 4 of the Telecommunications Act 1984 (minor and consequential amendments), paragraph 71 is repealed.

**Commencement Information**

**I25** [Sch. 5 para. 26](#) in force at 8.12.2014 by [S.S.I. 2014/127, art. 2](#)

*Matrimonial and Family Proceedings Act 1984 (c.42)*

- 27 In schedule 1 of the Matrimonial and Family Proceedings Act 1984 (minor and consequential amendments), paragraph 28 is repealed.

**Commencement Information**

**I26** [Sch. 5 para. 27](#) in force at 8.12.2014 by [S.S.I. 2014/127, art. 2](#)

*Bankruptcy (Scotland) Act 1985 (c.66)*

- 28 (1) The Bankruptcy (Scotland) Act 1985 is amended as follows.
- (2) In section 5 (sequestration of estate of a living or deceased debtor), in subsection (4AA)(a)(ii), for “28(1) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “9(2) of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.
- (3) In schedule 7 (consequential amendments), paragraph 15 is repealed.

**Commencement Information**

**I27** [Sch. 5 para. 28](#) in force at 8.12.2014 by [S.S.I. 2014/127, art. 2](#)

*Housing Associations Act 1985 (c.69)*

- 29 In section 68(6) of the Housing Associations Act 1985 (loans by Public Works Loan Commissioners: Scotland), after “lease” insert “ registered or ”.

**Commencement Information**

**I28** [Sch. 5 para. 29](#) in force at 8.12.2014 by [S.S.I. 2014/127, art. 2](#)

*Law Reform (Miscellaneous Provisions)(Scotland) Act 1985 (c.73)*

- 30 In section 8 of the Law Reform (Miscellaneous Provisions)(Scotland) Act 1985 (rectification of defectively expressed documents)—
- (a) in subsection (7), at end insert “ except that this subsection is subject to subsection (8A) below. ”,
- (b) after subsection (8) insert—
- “(8A) A notice under subsection (7) above registered on or after the date on which section 67 of the Land Registration etc. (Scotland) Act

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2012 (asp 5) (warrant to place a caveat) comes into force shall not have any effect in rendering litigious any land for which there is a title sheet in the Land Register of Scotland or in placing in bad faith any person acquiring such land.”.

**Commencement Information**

**I29** Sch. 5 para. 30 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Electricity Act 1989 (c.29)*

31 In schedule 16 to the Electricity Act 1989 (minor and consequential amendments), paragraph 23 is repealed.

**Commencement Information**

**I30** Sch. 5 para. 31 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

PROSPECTIVE

*Property Misdescriptions Act 1991 (c.29)*

<sup>F5</sup>32 .....

**Textual Amendments**

**F5** Sch. 5 para. 32 omitted (1.10.2013) by virtue of The Property Misdescriptions Act 1991 (Repeal) Order 2013 (S.I. 2013/1575), art. 1, Sch. para. 16

*Agricultural Holdings (Scotland) Act 1991 (c.55)*

33 In section 75(1) of the Agricultural Holdings (Scotland) Act 1991 (power of tenant and landlord to obtain charge on holding), after “recorded” insert “ or registered ”.

**Commencement Information**

**I31** Sch. 5 para. 33 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Coal Industry Act 1994 (c.21)*

34 In the Coal Industry Act 1994, in schedule 9 (minor and consequential amendments), paragraph 20 is repealed.

**Commencement Information**

**I32** Sch. 5 para. 34 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

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*Land Registers (Scotland) Act 1995 (c.14)*

- 35 In section 1 of the Land Registers (Scotland) Act 1995 (prepayment of recording and registration fees)—
- (a) in subsection (1), for “payment” to the end substitute “—
    - (a) such fee as is payable in that respect by virtue of section 110 of the Land Registration etc. (Scotland) Act 2012 (asp 5) is paid, or
    - (b) arrangements satisfactory to the Keeper are made for payment of that fee.”,
  - (b) subsection (3) is repealed.

**Commencement Information**

**I33** Sch. 5 para. 35 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Petroleum Act 1998 (c.17)*

- 36 In section 5(9) of the Petroleum Act 1998 (existing licences), after “subscribed” insert “ or authenticated ”.

**Commencement Information**

**I34** Sch. 5 para. 36 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Public Finance and Accountability (Scotland) Act 2000 (asp 1)*

- 37 In section 9(1) of the Public Finance and Accountability (Scotland) Act 2000 (Keeper of the Registers of Scotland: financial arrangements), for “section 25 of the Land Registers (Scotland) Act 1868 (c.64)” substitute “ section 110 of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”.

**Commencement Information**

**I35** Sch. 5 para. 37 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Adults with Incapacity (Scotland) Act 2000 (asp 4)*

- 38 (1) The Adults with Incapacity (Scotland) Act 2000 is amended as follows.
- (2) In section 56(7) (registration of intervention order relating to heritable property, for “the updated Land Certificate or an office copy thereof” substitute “ an extract of the updated title sheet ”.
  - (3) In section 61(7) (registration of guardianship order relating to heritable property), for “the updated Land Certificate or an office copy thereof” substitute “ an extract of the updated title sheet ”.



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#### Commencement Information

**I36** Sch. 5 para. 38 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

#### *Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)*

- 39 (1) The Abolition of Feudal Tenure etc. (Scotland) Act 2000 is amended as follows.
- (2) Section 4 is repealed.
- (3) In section 18A(8)(b) (personal pre-emption burdens and personal redemption burdens), for “15(3) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “ 101 of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”.
- (4) Section 46 is repealed.
- (5) In section 63(2) (baronies and other dignities and offices), for “an interest in land for the purposes of the Land Registration (Scotland) Act 1979 (c.33) or a right as respects which a deed can be” substitute “ a right as respects which a deed can be registered in the Land Register of Scotland or ”.
- (6) Section 65 is repealed.
- (7) In section 65A (sporting rights), subsection (12) is repealed.
- (8) In section 73 (feudal terms in enactments and documents: construction after abolition of feudal system)—
- (a) in subsection (1)—
- (i) repeal “or” immediately after paragraph (c),
- (ii) after paragraph (d) insert “or
- (e) in an extract or certified copy issued under section 104 of the Land Registration etc. (Scotland) Act 2012 (asp 5),”
- (b) in subsection (2)(b), for “subsection (1)(d)” substitute “ paragraph (d) of, or extract or certified copy such as is mentioned in paragraph (e) of, subsection (1) ”.
- (9) In schedule 11 (form of assignation, discharge or restriction of reserved right to claim compensation), repeal “section 3 of”.

#### Commencement Information

**I37** Sch. 5 para. 39 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

#### *Standards in Scotland's Schools etc. Act 2000 (asp 6)*

- 40 In section 58(1) of the Standards in Scotland's Schools etc. Act 2000 (interpretation), in the definition of “land”, for “interests in land (within the meaning of the Land Registration (Scotland) Act 1979 (c.33)” substitute “ rights registered in the Land Register of Scotland ”.

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**Commencement Information**

**I38** Sch. 5 para. 40 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*National Parks (Scotland) Act 2000 (asp 10)*

41 In section 15 of the National Parks (Scotland) Act 2000 (management agreements)

- (a) in subsection (1), for “an interest” substitute “ a right ”,
- (b) for subsection (5) substitute—

“(5) A management agreement which affects a right in land which is—

- (a) a right registered in the Land Register of Scotland, may be registered in that register,
- (b) a right registrable (but not registered) in that register, may be recorded in the Register of Sasines.”,
- (c) subsection (10) is repealed.

**Commencement Information**

**I39** Sch. 5 para. 41 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Housing (Scotland) Act 2001 (asp 10)*

42 In the Housing (Scotland) Act 2001—

- (a) in section 23(1)(b) (tenant's right to written tenancy agreement and information), after “subscribed” insert “ or authenticated ”,
- (b) in section 24(3) (restriction on variation of tenancy), after “subscribed” insert “ or authenticated ”.

**Commencement Information**

**I40** Sch. 5 para. 42 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Title Conditions (Scotland) Act 2003 (asp 9)*

43 (1) The Title Conditions (Scotland) Act 2003 is amended as follows.

- (2) In section 4 (creation of real burdens), in subsection (1), repeal “, notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
- (3) In section 41(b) (deed granted by holder of conservation burden without completing title), for “15(3) of the 1979 Act” substitute “ 101 of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”.
- (4) Sections 51 and 58 are repealed.
- (5) In section 60 (grant of deed where title not completed: requirements)—

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- (a) in subsection (1), for “15(3) of the 1979 Act” substitute “ 101 of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”,
  - (b) in subsection (2), repeal “or with section 15(3) of the 1979 Act”.
- (6) In section 71 (development management scheme), in subsection (1), repeal “, notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
- (7) In section 73 (disapplication of development management schemes), in subsection (1)(b), repeal “notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
- (8) In section 75 (creation of positive servitudes by writing: deed to be registered), in subsection (2), repeal “, notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
- (9) In section 84(2) (extinction following offer to sell), after “section 2” insert “ or 9B ”.
- (10) In section 119 (savings and transitional provisions etc.), subsection (2) is repealed.
- (11) In section 122 (interpretation)—
- (a) in subsection (1)—
    - (i) in the definition of “constitutive deed”, after “is” insert “, subject to subsection (4) below, ”,
    - (ii) in the definition of “title condition”, in paragraph (e)(i), for “assignment of” substitute “ assignments of registered or ”,
  - (b) after subsection (3) insert—

“(4) If title is completed in the manner provided for in section 4 or 4A of the Conveyancing (Scotland) Act 1924 (c.27) (completion of title) and a midcouple relevant to the title sets out the terms of a title condition (or of a prospective title condition), then for the purposes of this Act the midcouple and notice of title are together the constitutive deed of the title condition.”.

**Commencement Information**

**I41** Sch. 5 para. 43 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Civil Partnership Act 2004 (c.33)*

- 44 In section 112(9) of the Civil Partnership Act 2004 (transfer of tenancy), in the definition of “long lease”, for “28(1) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “ 9(2) of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”.

**Commencement Information**

**I42** Sch. 5 para. 44 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

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*Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 (asp 10)*

45 In section 16 of the Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 (rights in roads or public places), for subsection (3) substitute—

“(3) The powers conferred by this section constitute a real right.”.

**Commencement Information**

**I43** Sch. 5 para. 45 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Tenements (Scotland) Act 2004 (asp 11)*

46 (1) The Tenements (Scotland) Act 2004 is amended as follows.

(2) In section 1(2)(b) (determination of boundaries and pertinents)—

(a) repeal “an interest in”,

(b) for “title sheet of that interest” substitute “ relevant title sheet ”.

(3) In paragraph 1(6) of schedule 3 (sale under section 22(3) or 23(1) of the Act), for paragraph (a) substitute—

“(a) where the flat or former flat has been registered in the Land Register of Scotland, the description refers to the number of the title sheet;”.

**Commencement Information**

**I44** Sch. 5 para. 46 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Edinburgh Tram (Line Two) Act 2006 (asp 6)*

47 In section 25 of the Edinburgh Tram (Line Two) Act 2006 (rights under or over roads), for subsection (5) substitute—

“(5) The powers conferred by this section constitute a real right.”.

**Commencement Information**

**I45** Sch. 5 para. 47 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Edinburgh Tram (Line One) Act 2006 (asp 7)*

48 In section 25 of the Edinburgh Tram (Line One) Act 2006 (rights under or over roads), for subsection (5) substitute—

“(5) The powers conferred by this section constitute a real right.”.

**Commencement Information**

**I46** Sch. 5 para. 48 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

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*Waverley Railway (Scotland) Act 2006 (asp 13)*

- 49 In section 16 of the Waverley Railway (Scotland) Act 2006 (rights in roads or public places), for subsection (3) substitute—

“(3) The powers conferred by this section constitute a real right.”.

**Commencement Information**

**I47** Sch. 5 para. 49 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Companies Act 2006 (c.46)*

- 50 (1) The Companies Act 2006 is amended as follows.
- (2) In section 48(3) (execution of documents by companies), after “subscribed” insert “ (or, in the case of an electronic document, authenticated) ”.
- (3) In section 49(4)(b), after “subscribed” insert “ or authenticated ”.
- (4) In section 1022(6)(b) (protection of persons holding under a lease), for “Land Registration (Scotland) Act 1979 (c.33)” substitute “ Land Registration etc. (Scotland) Act 2012 (asp 5) ”.

**Commencement Information**

**I48** Sch. 5 para. 50 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Glasgow Airport Rail Link Act 2007 (asp 1)*

- 51 In section 15 of the Glasgow Airport Rail Link Act 2007 (rights in roads), for subsection (3) substitute—

“(3) The powers conferred by this section constitute a real right.”.

**Commencement Information**

**I49** Sch. 5 para. 51 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

*Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)*

- 52 (1) The Bankruptcy and Diligence etc. (Scotland) Act 2007 is amended as follows.
- (2) In section 85 (restriction on priority of ranking of certain securities), in new section 13A (to be inserted in the Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)), in subsection (1)(a), after “duly” insert “ registered or ”.
- (3) In section 128(1) (interpretation of chapter 2 of Part 4), in the definition of “long lease”, for “28(1) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “ 9(2) of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”.

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#### Commencement Information

**I50** Sch. 5 para. 52 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

#### *Edinburgh Airport Rail Link Act 2007 (asp 16)*

- 53 (1) The Edinburgh Airport Rail Link Act 2007 is amended as follows.
- (2) In section 9(1) (registration of vested land), for “section 4 of the Land Registration (Scotland) Act 1979 (c.33)” substitute “ Part 2 of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”.
- (3) In section 20 (rights in roads or public places), for subsection (6) substitute—  
“(6) The powers conferred by this section constitute a real right.”.

#### Commencement Information

**I51** Sch. 5 para. 53 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

#### *Airdrie-Bathgate Railway and Linked Improvements Act 2007 (asp 19)*

- 54 (1) The Airdrie-Bathgate Railway and Linked Improvements Act 2007 is amended as follows.
- (2) In section 9(1) (registration of vested land), for “section 4 of the Land Registration (Scotland) Act 1979 (c.33)” substitute “ Part 2 of the Land Registration etc. (Scotland) Act 2012 (asp 5) ”.
- (3) In section 20 (rights in roads or public places), for subsection (6) substitute—  
“(6) The powers conferred by this section constitute a real right.”.

#### Commencement Information

**I52** Sch. 5 para. 54 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

#### *Energy Act 2008 (c.32)*

- 55 In section 77(7) of the Energy Act 2008 (model clauses of petroleum licences), after “subscribed” insert “ or authenticated ”.

#### Commencement Information

**I53** Sch. 5 para. 55 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

**Status:**

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**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A48B and cross-heading inserted by [2016 asp 18 s. 43\(2\)](#)
- s. 116(3)(ba)(bb) inserted by [2016 asp 18 s. 43\(3\)](#)