



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 2

REGISTRATION

Registration without deed

28 Conditions of registration: voluntary registration

- (1) The conditions are that—
 - (a) there is submitted with the application a plan or description of the plot sufficient to enable the Keeper to delineate the plot's boundaries in the cadastral map,
 - (b) where within the plot there is a lesser area in respect of which a registrable encumbrance is constituted there is included in, or submitted with, the application a plan or description sufficient to enable the Keeper to delineate the boundaries of the lesser area in the cadastral map.
- (2) Subsection (1)(a) and (b) does not apply—
 - (a) if the plot to which the application relates is a flat in a flatted building, and
 - (b) either—
 - (i) the flatted building is, by virtue of section 16, represented as a single cadastral unit on the cadastral map, or
 - (ii) the Keeper has indicated that the flatted building is, by virtue of that section, to be so depicted.
- (3) Despite subsection (2), subsection (1)(a) and (b) applies in so far as the plot includes a pertinent outwith the flatted building, being a pertinent only of the plot.
- (4) Subsection (1)(b) does not apply in relation to an encumbrance which consists of—
 - (a) a right to lead a pipe, cable, wire or other such enclosed unit over or under land, or
 - (b) a servitude created other than by registration.