



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 2

REGISTRATION

Applications in relation to the same land

39 Order in which applications are to be dealt with

- (1) The Keeper must deal with two or more applications for registration in relation to the same land in order of receipt.
- (2) In the absence of evidence to the contrary, the order of receipt is to be taken to be the order in which the details of the applications were entered in the application record.
- (3) Subsection (1) is subject to subsections (4) to (8).
- (4) Subsection (5) applies where—
 - (a) two applications (“application A” and “application B”) are received on the same date in relation to the same land,
 - (b) to accept one of the applications would require the Keeper to reject the other,
 - (c) the deed to which application A purports to give effect is a deed in relation to which a protected period is running, and
 - (d) the deed to which application B purports to give effect either—
 - (i) is not such a deed, or
 - (ii) is such a deed but the protected period relating to the deed to which application A purports to give effect began before the protected period relating to the deed to which application B purports to give effect.
- (5) The Keeper must deal with application A before application B.
- (6) Subsection (8) applies where—
 - (a) two applications (“application C” and “application D”) are received on the same date in relation to the same land,
 - (b) the deed to which one of them (application C) purports to give effect is a deed in favour of a person (“X”), and

Status: This is the original version (as it was originally enacted).

- (c) the deed to which the other (application D) purports to give effect is a deed granted by X.
- (7) Subsection (8) also applies where—
- (a) two applications (“application C” and “application D”) are received on the same date in relation to the same land,
 - (b) one application (application C) is an application under section 27, and
 - (c) the other (application D) is an application under section 21.
- (8) The Keeper must deal with application C before application D.