Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 3

COMPETENCE AND EFFECT OF REGISTRATION

Specific provisions on competence and effect of registration

53 Completion of title

(1) The Conveyancing (Scotland) Act 1924 (c.27) is amended as follows.

(2) In section 4 (completion of title)—

(a) for "by a title which has not been completed by being recorded in the appropriate Register of Sasines, may" substitute " may, if the last recorded title to the right is recorded in the General Register of Sasines, ",

(b) the title of the section becomes " Completion of title: General Register of Sasines ".

(3) After section 4 insert—

"**4A Completion of title: Land Register**

Any person having right either to land or to a heritable security may complete title by registration in the Land Register of a notice of title in or as nearly as may be in the terms of the form in schedule BA to this Act.

4B Further provision as regards completion of title

(1) If it is competent to register a disposition or assignation in the Land Register, it is not competent for the disponee or assignee to complete title in the manner provided for in section 4 of this Act.

(2) In this section and in section 4A of this Act, "Land Register" means the Land Register of Scotland.".

(4) After section 49 insert—

Changes to legislation: *Land Registration etc. (Scotland) Act 2012, Section 53 is up to date with all changes known to be in force on or before 05 September 2024. 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*

"**49A Power of the Scottish Ministers to prescribe forms**

(1) The Scottish Ministers may, by order, modify any schedule to this Act.

(2) Such an order may, in particular, substitute for any form, notice, clause, warrant or other deed for the time being set out in such a schedule another such form, notice, clause, warrant or other deed.

(3) An order under this section is subject to the affirmative procedure.".

(5) After schedule B insert—

"SCHEDULE BA
FORM OF NOTICE OF TITLE: LAND REGISTER

Be it known that *A.B.* (*designation*) has right as proprietor to all and whole (*description*) conform to the last completed title and subsequent writ (*or* writs), which title and writ (*or* writs) have been examined by me, *Y.Z.* (*designation*), Notary Public (*or* Law Agent).

[*Testing clause.*]

Y.Z.

NOTES TO SCHEDULE BA

Note 1: Where the notice is in respect of a subordinate real right, other than a registered lease having its own title sheet, for "proprietor to" substitute "holder of liferent (*or other right, as the case may be*) over".

Note 2: Where the notice is in respect of a registered lease having its own title sheet, for "proprietor to" substitute "tenant of".

Note 3: If any writ by which A.B. acquired right contains a new title condition, whether burdening or benefiting the property, the condition is to be inserted in full after the description of the property.

Note 4: In the case of a traditional document, subscription of it by the notary public (or law agent) on behalf of the granter will suffice for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes: see the Requirements of Writing (Scotland) Act 1995 (c.7) (which also makes provision as regards the authentication of an electronic document).

Commencement Information

I1 S. 53(1)-(3)(5) in force at 8.12.2014 by S.S.I. 2014/127, **art. 2**

Changes to legislation: *Land Registration etc. (Scotland) Act 2012, Section 53 is up to date with all changes known to be in force on or before 05 September 2024. 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*

I2 S. 53(4) in force at 1.11.2012 by S.S.I. 2012/265, **art. 2**

Changes to legislation:
Land Registration etc. (Scotland) Act 2012, Section 53 is up to date with all changes known to be in force on or before 05 September 2024. 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.
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)