

# **CORONAVIRUS (SCOTLAND) ACT 2020**

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## **EXPLANATORY NOTES**

### **DETAIL ABOUT PROVISIONS**

#### *Schedule 7 - Other measures in response to coronavirus*

##### **Land registration**

268. Paragraphs 11 to 19 of schedule 7 of the Act relate to the Land Register and Register of Sasines, and make provision for (i) the protected period of advance notices impacted by the closure of the application record and Register of Sasines following the coronavirus outbreak to be extended, and (ii) registration in the Land Register and Register of Sasines to proceed on the basis of a copy of a traditional paper deed submitted to the Keeper of the Registers through electronic means.

##### **Electronic delivery of copy of deed to Registers of Scotland**

269. The paragraphs under this heading modify the Land Registration etc. (Scotland) Act 2012 and the Land Registers (Scotland) Act 1868 for the duration of the Act, to make provision for registration in the Land Register and recording in the Register of Sasines to proceed on a copy of a deed submitted to the Keeper by electronic means.
270. Paragraphs 11 and 12 make provision for the Land Register, adjusting the effect of section 21 of the 2012 Act. The new section 21(5) sets out that a copy of a deed submitted electronically is sufficient to allow registration to proceed. Inserted section 21(6) provides that this applies when the means and form for electronic submission of copy deeds are specified as acceptable on the Keeper's website. Inserted section 21(7) sets out the forms submission by electronic means can take, such as attachment to an email.
271. Paragraphs 13 and 14 make similar provision for the Register of Sasines, adjusting the effect of the 1868 Act. For the purposes of the Act, paragraph 14(a) removes reference to electronic documents to allow section 6A of the 1868 Act to apply to copies of deeds transmitted electronically. Paragraph 14(b) makes other temporary modifications as for the Land Register. Inserted section 6A(6) sets out that a copy of a deed submitted electronically is sufficient to allow recording in the Register of Sasines to proceed. Inserted section 6A(7) provides that this applies when the means and form for electronic submission of copy deeds are specified as acceptable on the Keeper's website. Inserted section 6A(8) sets out the forms submission by electronic means can take.

##### **Period of Effect of Advance Notices**

272. The paragraphs under this heading set out how the protected period provided by advance notices is extended for advance notices affected by the closure of the application record in the Land Register and Register of Sasines on 24th March 2020.
273. Paragraph 15 applies paragraph 16 to advance notices already entered in the application record and which still had effect on 24th March 2020.

*These notes relate to the Coronavirus (Scotland) Act  
2020 (asp 7) which received Royal Assent on 6 April 2020*

274. Paragraph 16 sets out that the protected period provided by such an advance notice will be extended until 10 days after the day on which the application record fully re-opens (by a declaration of the Keeper to that effect).
275. Paragraph 17 applies paragraph 18 to advance notices already recorded in the Register of Sasines and which still had effect on 24th March 2020.
276. Paragraph 18 sets out that the protected period provided by such an advance notice will be extended until 10 days after the day on which the Register of Sasines fully re-opens.
277. Paragraph 19 makes clear that, while the Act applies, the 2012 Act is to be regarded as having been modified by the adjustments to section 58 of the 2012 Act so:
- the protected period for advance notices which had effect on a day the application record and Registers of Sasines are closed to the making of all entries is extended until the later of either the 35 day period provided for in section 58(1) or 10 days after the date on which the application record or Register of Sasines fully re-opens;
  - the protected period for advance notices entered onto the application record or recorded in the Register of Sasines during a period in which the application record and Register of Sasines is partially closed is extended until the later of either the 35 day period provided for in section 58(1) or 10 days after the date on which the application record or Register of Sasines fully re-opens.