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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2014 No.**

**The Land Registration etc. (Scotland) Act 2012  
(Incidental, Consequential and Transitional) Order 2014**

*Primary legislation*

**Amendment of the Prescription and Limitation (Scotland) Act 1973 and consequential repeal**

2.—(1) In Schedule 1 to the Prescription and Limitation (Scotland) Act 1973(1) (obligations which, notwithstanding paragraph 1 of the Schedule, are not affected by prescriptive periods of 5 years under section 6 of that Act), in paragraph 2(e), for “to (aca)”(2) substitute “to (ae)”.

(2) In paragraph 18 of schedule 5 to the Land Registration Act (minor and consequential modification of the Prescription and Limitation (Scotland) Act 1973)—

- (a) in sub-paragraph (6), for “sub-paragraph (ac)” substitute “sub-paragraph (aca)”; and
- (b) sub-paragraph (7)(a) is repealed.

**Amendment of the Requirements of Writing (Scotland) Act 1995**

3. In the Requirements of Writing (Scotland) Act 1995(3), in section 1 (writing required for certain contracts, obligations, trusts, conveyances and wills), subsections (2A) and (2B) are repealed.

**Land Registration Act - advance notices for deeds in relation to registered leases**

4. The application of Part 4 of the Land Registration Act is modified in relation to registered leases by the insertion in section 57(4)(a)(application for advance notice) after “relates to”, of “a registered lease or”(4).

**Land Registration Act - shared and sharing leases**

5. In schedule 1 to the Land Registration Act (registered leases tenanted in common)—

- (a) in paragraph 7(b), for “that” substitute “the shared lease”; and
- (b) in paragraph 7(c), for “the shared lease title sheet” substitute “that title sheet”.

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(1) 1973 c.52. Paragraph 2(e) is prospectively amended by paragraph 18(7)(a) of schedule 5 to the 2012 Act and amended by section 60(b) of the Long Leases (Scotland) Act 2012 (asp 9).

(2) Inserted by the Long Leases (Scotland) Act 2012 (asp 9), section 60(b).

(3) 1995 c.7, amended by the Petroleum Act 1998 (c.17), Schedule 5, Part 1, paragraph 1, the Scotland Act 1998 (c.46), Schedule 8, paragraph 31, S.I. 1999/1820, Schedule 2, Part 1, paragraph 118, the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), schedule 12, Part 1, paragraph 58, S.I. 2000/2040, Schedule, Part 1, paragraph 17, the Housing (Scotland) Act 2001 (asp 10), schedule 10, paragraph 22, S.S.I. 2001/128, Schedule 4, paragraphs 4 and 5, the Title Conditions (Scotland) Act 2003 (asp 9), schedule 15, paragraph 1, S.S.I. 2006/491, article 3, the Companies Act 2006 (c.46), Schedule 16, paragraph 1, the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), sections 48(1) and 222(2) and (3), S.I. 2008/948, Schedule 1, Part 2, paragraph 199, S.I. 2009/1941, Schedule 1, paragraph 151 and the Land Registration etc. (Scotland) Act 2012 (asp 5) (“the 2012 Act”), sections 96, 97 and 98 and schedule 3. Sections 9B(1)(b) and (2)(c), 9C(2) and 9E(1)(d) are inserted by section 97 of the 2012 Act for limited purposes by, and subject to transitional provision for Automated Registration of Title to Land (“ARTL”) documents in article 3(2) of, S.S.I. 2014/41.

(4) See section 52 of the 2012 Act for the registration of leases in the Land Register.

## Land Registration Act – transitional provisions

6. In schedule 4 (transitional provisions) of the Land Registration Act, after paragraph 11 insert—

*“Common areas: Sasine arrangements*

**11A.** For the period beginning with the designated day and ending with the day before the date prescribed by an order under section 48(3)—

- (a) section 7(1)(b) applies only to shares of proprietors whose right is registered,
- (b) in the case of ownership in common, section 8(1) applies only to heritable securities granted by a proprietor whose right is registered,
- (c) section 17(3)(b) applies to such of the plots of land mentioned in section 17(1)(a) as are registered,
- (d) section 27(2) applies also to a person whose right in the plot is registered only as proprietor of a share in the plot, and
- (e) section 48(1)(d) applies as if a registered plot of land means a registered share of a plot of land owned in common.

*Assignment of registered leases: Sasine arrangements*

**11B.** For the period beginning with the designated day and ending with the day before the date prescribed by an order under section 48(3), for an application under section 21(1) to register an assignment of a registered lease where the subjects of the lease consist of or form part of an unregistered plot of land, the conditions in section 26 apply with the effect that—

- (a) in subsection (1)(b), “plot of land” is to be read as “lease”,
- (b) in subsection (1)(c), “title sheet” is to be read as “lease title sheet”,
- (c) subsections (1)(d), (3), (4) and (5) do not apply, and
- (d) in subsection (2), “plot” in both places it occurs is to be read as “lease”.