
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

The Registers of Scotland (Digital
Registration, etc.) Regulations 2017

PART 2

Advance notices

Procedure for application for an advance notice or discharge of advance notice in Land Register

2.—(1) The Land Register Rules are amended as follows.

(2) In regulation 3(1) (procedure for application for an advance notice relating to the whole of a registered plot)—

- (a) for “An application” substitute “Subject to paragraph (3), an application”;
- (b) omit “the whole of”;
- (c) omit “or” after sub-paragraph (a);
- (d) omit sub-paragraph (b)(ii) and the “or” which precedes it;
- (e) at the end, insert—

“; or

(c) the Keeper is otherwise satisfied that exceptional circumstances make it impractical to do so;”;

- (f) after paragraph (1), insert-

“(1A) In particular, paragraph (1)(c) is met—

- (a) if the applicant is a natural person who granted the deed to which the advance notice relates; and
- (b) the application is not made by a person who, in connection with the grant, acts as a solicitor or other legal adviser to the granter.”.

(3) For regulation 3(3) (procedure for application for an advance notice relating to part of a registered plot) substitute—

“(3) Except in respect of advance notices relating to the whole of a registered plot, paragraph (1) does not apply unless the Keeper has notified a date in accordance with paragraph (4).

(4) Such a notification by the Keeper must state the date on which it comes into effect, which date may not be earlier than 6 months after the date of its publication on the Keeper’s website⁽¹⁾.

(5) Before making such a notification, the Keeper must consult the Scottish Ministers.”.

(1) <https://www.ros.gov.uk/>

Procedure for application for an advance notice or discharge of advance notice in Register of Sasines

3. After rule 4 of the Sasine Application Rules insert—

“Procedure for application for an advance notice or discharge of an advance notice

4A.—(1) From a date notified by the Keeper in accordance with paragraph (3), an application for the recording in the Register of Sasines of an advance notice or discharge of an advance notice must be sent to the Keeper electronically using a computer system under the management and control of the Keeper, unless—

- (a) the computer system notifies the applicant who attempts to use it that it is unavailable for a period of 48 hours or longer;
- (b) the applicant has no computer facilities with access to the internet; or
- (c) the Keeper is otherwise satisfied that exceptional circumstances make it impractical to do so.

(2) In particular, paragraph (1)(c) is met—

- (a) if the applicant is a natural person who granted the deed to which the advance notice relates; and
- (b) the application is not made by a person who, in connection with the grant, acts as a solicitor or other legal adviser to the grantor.

(3) Such a notification by the Keeper must state the date on which it comes into effect, which date may not be earlier than 6 months after the date of its publication on the Keeper’s website.

(4) Before making such a notification, the Keeper must consult the Scottish Ministers.”.

Description of unregistered plot or unregistered lease

4. In regulation 4 of the Land Register Rules (description of an unregistered plot or unregistered lease in an advance notice)—

- (a) at the end of paragraph (2)(a), insert “if such a deed exists”; and
- (b) in paragraph (3), after “land” insert “have not been recorded in or”.