
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

The Registers of Scotland (Digital
Registration, etc.) Regulations 2018

PART 5

Register of Sasines - dual registration of electronic documents

Amendment of the Land Registers (Scotland) Act 1868

- 9.**—(1) The Land Registers (Scotland) Act 1868(1) is amended as follows.
- (2) In section 2 (interpretation)—
- (a) the existing text becomes subsection “(1)”; and
 - (b) after that subsection, insert—
“**(2)** In this Act, “traditional document” and “electronic document” have the meanings given by sections 1A and 9A respectively of the Requirements of Writing (Scotland) Act 1995(2).”.
- (3) In section 6 (provision for writs transmitted by post to Register of Sasines), after “other writ”, insert “which is a traditional document”.
- (4) After section 6, insert—

“6A. Provision for writs transmitted electronically to general register of sasines

- (1) This section applies where an application is transmitted electronically for recording in the general register of sasines of a writ which is an electronic document which may be recorded in the register(3).
- (2) The keeper of the register must on receipt of an application cause it to be acknowledged to the sender.
- (3) The keeper must cause the name of the sender to be entered in the presentment book.
- (4) The writ is to be recorded in the same manner as a traditional document, save that the copy or copies are to be entered in and kept on a computer or similar device under the keeper’s management and control.
- (5) Following recording, the keeper must confirm recording to the sender.

(1) 1868 c.64 amended by the Land Registers (Scotland) Act 1995 (c.14), the Abolition of Feudal Tenure etc. (Scotland) Act 2000 asp 5, the Land Registration etc. (Scotland) Act 2012 (asp 5) (“the 2012 Act”) and the Scotland Act 1998 (Consequential Modifications) (No. 2) Order S.I. 1999/1820.

(2) For traditional documents see Part 2 of the Requirements of Writing (Scotland) Act 1995 (c.7) (“the 1995 Act”) as so called by schedule 3 of the 2012 Act; for electronic documents see Part 3 inserted by section 97 of the 2012 Act.

(3) See section 9G(3) of the 1995 Act and regulation 6 of S.S.I. 2014/83 amended by S.S.I. 2014/347 and S.I. 2016/696.

6B. Writs received at the same time as writs transmitted electronically

(1) This section applies where an application transmitted electronically under section 6A is received by the keeper at the same time as—

- (a) another such application, or
- (b) another application by post under section 6.

(2) The entries in the presentment book and minute book for the writs in respect of which such applications are made are to be of the same year, month and day, and such writs are to be deemed to be presented and registered contemporaneously.”.

(5) In section 14 (registered writs to be authenticated)—

- (a) after “every writ” insert “which is a traditional document”; and
- (b) after “such writ” insert “(which is a traditional document)”.

Amendment of the Public Registers and Records (Scotland) Act 1948

10. In section 2(b) of the Public Registers and Records (Scotland) Act 1948⁽⁴⁾ (provisions as to recording in Register of Sasines), after “by post” insert “or electronically”.

Signing of traditional documents and electronic applications for recording

11. In rule 4 of the Sasine Application Rules (signing of application for recording)—

- (a) the existing rule becomes paragraph “(1)”;
- (b) for “The application” substitute “In the case of recording a traditional document (within the meaning of the Requirements of Writing (Scotland) Act 1995), the application”;
- (c) at the end, insert—

“(2) An application sent electronically need not be signed but the applicant must confirm that the applicant makes the Applicant Statement and Declarations.”.

⁽⁴⁾ 1948 c.57 amended by the Scotland Act 1998 (c.46), the Abolition of Feudal Tenure etc. (Scotland) Act 2000 asp 5, the 2012 Act, schedule 5 and the Scotland Act 1998 (Consequential Modifications) (No 2) Order S.I. 1999/1820.