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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2018 No.**

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

PART 3

Registration in the Land Register

**Digital registration system - authorisation of deeds and persons**

- 5.—(1) The Automated Registration Regulations are amended as follows.
- (2) In regulation 1(2) (interpretation)—
- (a) omit the definition of “ARTL system”;
  - (b) in the definition of “authorised person” for “ARTL” substitute “digital registration”;
  - (c) in the definition of “ARTL document” for “ARTL” both times it occurs substitute “digital registration”;
  - (d) after the definition of “digital registration document” (so substituted) insert—  
    ““digital registration system” means a computer system managed and controlled by the Keeper in accordance with section 99(1) of the Land Registration etc. (Scotland) Act 2012;”;
  - (e) omit the definition of “local registration authority”; and
  - (f) in the definition of “user”, for “a local registration authority to use the ARTL system” substitute “an authorised person to use the digital registration system on behalf of that person”.
- (3) In the title to regulation 2 (deeds to be used in the ARTL system) for “ARTL” substitute “digital registration”.
- (4) In regulation 2(1) for “an ARTL document” substitute “a digital registration document”.
- (5) After regulation 2(2) insert—
- “(3) The deeds mentioned in paragraph (2) relating to part of a registered plot of land or any other kinds of deeds are authorised to be created as a digital registration document where their use in the digital registration system has been published on the Keeper’s website.
  - (4) Before publishing such deeds or kinds of deed for use, the Keeper must—
    - (a) consult the Scottish Ministers about that authorisation; and
    - (b) state the date on which that authorisation comes into effect.”.
- (6) In the title to regulation 3 (authorisation to use the ARTL system) for “ARTL” substitute “digital registration”.
- (7) In regulation 3(1), for “ARTL” substitute “digital registration”.
- (8) In regulation 4 (duties of persons authorised to use the ARTL system)—
- (a) omit paragraphs (1) and (2);

- (b) in paragraph (3)—
    - (i) for “ARTL”, both times it occurs, substitute “digital registration”; and
    - (ii) omit “, local registration authority”; and
  - (c) in paragraph (4)—
    - (i) omit “, local registration authority”;
    - (ii) for “ARTL” substitute “digital registration”; and
    - (iii) at the end, insert “(including terms and conditions as to the insolvency or inactivity of any person or user)”; and
  - (d) in paragraph (5) for “a local registration authority” substitute “an authorised person”.
- (9) In regulation 5 (suspension or revocation of authorisation)—
- (a) in paragraph (2)(a)—
    - (i) omit “a condition of”; and
    - (ii) at the end, insert “or a material breach of terms and conditions imposed under regulation 4”;
  - (b) in paragraph (2)(b) omit “or local registration authority”; and
  - (c) at the beginning of paragraph (3)(b) insert “in the case of any current digital certificate issued by the Keeper,”.
- (10) Regulation 7 (application procedure for registering authorised deed) is revoked.
- (11) In schedule 1 (appeals), after paragraph 1, insert—
- 1A.** Where the notice of the appeal of a suspension or revocation of an authorisation so requests, the Scottish Ministers may determine whether to reinstate the authorisation pending determination of the appeal.”.
- (12) Schedule 2 (ARTL document application form) is revoked.