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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2021 No.**

**The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021**

**PART 3**

**Duties to provide information**

*Security declaration*

**Security declaration**

**16.**—(1) An associate who is an individual may, at any time, make a declaration that the inclusion in the RCI of one or more of the associate’s required details would put the associate or an individual connected with the associate at risk of violence, abuse, threat of violence or abuse, or intimidation (a “security declaration”).

(2) A security declaration must—

- (a) be accompanied by suitable evidence to support the making of the declaration or state that the associate is taking reasonable steps to obtain such evidence,
- (b) include the required details of the associate,
- (c) state the date on which the security declaration is made,
- (d) be signed by the associate, and
- (e) be given to the Keeper.

(3) An associate must also send a copy of the security declaration to the recorded person.

(4) For the purpose of paragraph (2)(a), suitable evidence is—

- (a) evidence that meets the requirements for evidence in paragraph 1 or 2 of schedule 3, or
- (b) where such evidence is not reasonably obtainable, such other evidence as the Keeper considers appropriate in the circumstances.

(5) Where a declaration is not accompanied by evidence, the evidence must be produced within the period of 60 days beginning with the date on which the security declaration was made.

(6) If the associate does not produce the evidence, the security declaration ceases to have effect at the end of that period.

(7) The Keeper must decide, on the basis of the evidence produced, whether or not it was reasonable for the security declaration to have been made.

(8) For the purposes of making a decision under paragraph (7), the Keeper may request—

- (a) the associate, or
- (b) any other person who the Keeper considers may have information or documents relevant to the making of the decision,

to provide the Keeper, within such period as the Keeper may specify, with such further information or documents relevant to the making of the decision as the Keeper may specify.

(9) The Keeper must notify the associate, and any recorded person of the associate, of the Keeper's decision as soon as reasonably practicable after making the decision.

(10) A notification under paragraph (9) must—

- (a) set out the Keeper's decision,
- (b) include the reasons for the decision, and
- (c) if the decision is that it was not reasonable for the security declaration to have been made, include information about—
  - (i) the effect of paragraph (11),
  - (ii) the right of appeal under regulation 18.

(11) Where the Keeper decides that it was not reasonable for the security declaration to have been made, the declaration ceases to have effect—

- (a) at the end of the period of 30 days beginning with the date on which notification under paragraph (10) was given, or
- (b) if the associate appeals against the decision and the decision is upheld, at the end of the period of 30 days beginning on the date on which the appeal was finally determined.

(12) A security declaration has effect during the period—

- (a) beginning with the day on which the declaration is received by the Keeper, and
- (b) ending on the day on which the declaration—
  - (i) is revoked under regulation 17, or
  - (ii) ceases to have effect in accordance with paragraph (6) or (11).