
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

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

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021 and come into force on 1 April 2022.

Interpretation

2.—(1) In these Regulations, unless the context requires otherwise—

“associate” is to be construed in accordance with regulation 3,

“the Companies Acts” has the meaning given by section 2 of the Companies Act 2006(1),

“Keeper” means the Keeper of the Registers of Scotland,

“land”—

(a) generally, has the same meaning as in section 113 of the Land Registration etc. (Scotland) Act 2012(2), and

(b) in relation to a recorded person, means the land described in an entry in the RCI as being owned or leased by that person,

“Land Register” means the Land Register of Scotland,

“lease” includes sub-lease,

“proprietor” is to be construed in accordance with section 113 of the Land Registration etc. (Scotland) Act 2012,

“recorded person” is to be construed in accordance with regulation 3(3),

“registered number” means any unique number allocated to a non-natural person for the purposes of identifying them,

“required details” is to be construed in accordance with regulation 11,

“the RCI” has the meaning given by regulation 3(1),

“security declaration” means a declaration made in accordance with regulation 16, and references to a security declaration having effect are to be construed in accordance with regulation 16(12),

“specified form” has the meaning given by regulation 24,

(1) 2006 c.46.

(2) 2012 asp 5.

- “unique reference number” is to be construed in accordance with regulation 7.
- (2) For the purposes of these Regulations, a reference to—
- (a) control is a reference to where a person can direct the activities of another,
 - (b) dealings with the land is a reference to disposing, creating real rights over, leasing or changing the use of the land,
 - (c) significant influence is a reference to where a person is able to ensure that another person will typically adopt the approach that the person desires.
- (3) For the purposes of these Regulations, a reference to—
- (a) a person being the owner of land is a reference to a person—
 - (i) who is entered in the Land Register as the proprietor of the land, or
 - (ii) whose title to the land is recorded in the Register of Sasines,
 - (b) a person being the tenant of land is a reference to a person who is the tenant of—
 - (i) a lease registered in the property section of a lease title sheet in accordance with section 6(1)(e) of the Land Registration etc. (Scotland) Act 2012,
 - (ii) a lease entered, in accordance with section 9(1)(b) or (c) of that Act, in the burdens section of a title sheet,
 - (iii) a lease that would, but for section 18(4) or paragraph 9 of schedule 1 of that Act, be entered in the burdens section of a title sheet,
 - (iv) a lease recorded in the Register of Sasines.
- (4) For the purposes of section 39 of the Land Reform (Scotland) Act 2016, a person has a controlling interest in an owner or tenant of land if the person is an associate of the owner or tenant.