
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

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

PART 2

Register of persons holding a controlled interest in land

Establishment and contents

Register of persons holding a controlled interest in land

3.—(1) The Keeper of the Registers of Scotland must establish and maintain a public register known as the Register of Persons holding a controlled interest in land (which register is referred to in these Regulations as “the RCI”).

- (2) The RCI is a record of persons who—
- (a) are the owners or tenants of land, and
 - (b) in relation to that land, are associated with a person to whom a Part of schedule 1 applies (such person being referred in these Regulations to as an “associate”).
- (3) The RCI is to contain, in relation to each person recorded in the RCI (“the recorded person”)—
- (a) the recorded person’s name, address and, if applicable, registered number,
 - (b) in relation to the land owned or tenanted by the recorded person—
 - (i) if the land is registered in the Land Register, the title number of the land,
 - (ii) if the land is not registered in the Land Register, a description of the land that is sufficient for it to be identified,
 - (c) details of the capacity in which the recorded person owns or tenants the land (for example as an individual, partner or trustee),
 - (d) in relation to each associate of the recorded person—
 - (i) where no security declaration has effect in respect of the associate—
 - (aa) the required details, with the exception of the information required by regulation 11(2)(a)(iii),
 - (bb) the associate’s unique reference number,
 - (ii) where a security declaration has effect in respect of the associate—
 - (aa) a statement that a security declaration has been made and has effect in respect of that person,
 - (bb) where applicable, a note of an appeal under regulation 18(4)), and
 - (e) the date of any notice given to the Keeper under these Regulations in respect of the entry.

(4) The RCI is to be in such form (which may be, or be in part, an electronic form) as the Keeper considers appropriate.

Making of entries in the RCI

4.—(1) The Keeper must make an entry in the RCI, in accordance with regulation 3, following receipt of information provided under regulation 10(3) by a person to whom that regulation applies.

(2) An entry required by paragraph (1) may not be made during the period of 30 days beginning on the day on which the Keeper received the information.

Amendment of the RCI

5.—(1) The Keeper must remove an entry for a recorded person from the RCI if the Keeper is given notice under regulation 12 to the effect that—

- (a) the person has ceased to be an owner or the tenant of the land, or
- (b) the recorded person has no associates.

(2) The Keeper must make such other amendments to entries in the RCI as are necessary in consequence of—

- (a) the Keeper being given any of the following documents—
 - (i) a notice under regulation 12 of an event affecting the RCI,
 - (ii) a security declaration,
 - (iii) a notice under regulation 17 revoking a security declaration,
 - (iv) a notice under regulation 23 of the death, winding-up or dissolution of a person,
- (b) a security declaration ceasing to have effect in accordance with regulation 16,
- (c) the Keeper otherwise becoming aware of an inaccuracy in the RCI.

(3) An entry as amended by the Keeper must comply with regulation 3.

(4) Where the Keeper becomes aware of an inaccuracy under paragraph 2(c), the Keeper may request—

- (a) the person providing any of the documents listed in paragraph 2(a)(i)-(iv), or
- (b) any other person the Keeper considers may have relevant information about the inaccuracy,

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

(5) For the purposes of paragraph 2(c), an inaccuracy includes the omission of information which is required to be recorded by these Regulations.

Timing of amending an entry

6. Where the Keeper is required to amend an entry in the RCI, the Keeper must do so as soon as reasonably practicable after receiving the documents or, as the case may be, the information specified in regulation 5(2) or (4).

Associates – unique reference numbers

7.—(1) The Keeper must allocate a unique reference number in respect of each associate whose information is to be entered on the RCI.

(2) The unique reference number must appear in each entry in the RCI in respect of that associate (whether or not the associate's information is being entered in relation to the same recorded person).

Protection of the RCI

8. The Keeper must take such steps as appear reasonable to the Keeper to protect the RCI from—
- (a) interference,
 - (b) unauthorised access, and
 - (c) damage.

Access to the RCI

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9.—(1) The Keeper must make the information contained in the RCI available by such means as the Keeper considers appropriate.

(2) The Keeper must ensure that a person is able to search the RCI for data by reference to the following criteria—

- (a) in relation to the land, its title number, or a description that is sufficient for it to be identified,
- (b) in relation to the recorded person, the person's name or, if applicable, registered number,
- (c) in relation to the associate, the associate's name, registered number or unique reference number.