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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 1**

**Introduction**

**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,
  - “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.