Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021 ISBN 978-0-11-104814-6

#### SCHEDULE 1

Persons who have significant influence or control over another

#### PART 4

#### Unincorporated bodies

### **Application**

- **9.** This Part applies to a person (the associate) where—
  - (a) the person who owns or tenants the land (the recorded person) does so as a trustee of, or otherwise on behalf of, the members of an unincorporated body of persons, and
  - (b) the associate—
    - (i) is responsible for the general control and management of the administration of the body, and
    - (ii) is not registered as owning or leasing the land.

# **Exceptions**

- **10.** This Part does not apply to a person where that person's relationship to the body is only that of—
  - (a) a paid professional advisor to the body (such as a solicitor or an accountant),
  - (b) a creditor of the body (such as the holder of a standard security),
  - (c) a member of the judiciary presiding over proceedings to remove a member of the body from any trust established to hold property on the body's behalf.

# **Interpretation of Part 4**

11. For the purposes of this Part a person is responsible for the general control and management of the administration of a body if they hold an office or other official position in that regard (such as chair, treasurer or secretary, however that may be described).