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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 150**

**LAND REGISTRATION**

**The Land Register Rules etc. (Scotland) Regulations 2014**

*Made* - - - - 28th May 2014  
*Laid before the Scottish*  
*Parliament* - - - - 30th May 2014  
*Coming into force* - - 8th December 2014

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 43(7), 56(4), 62(2), 115(1) and 116(1) of the Land Registration etc. (Scotland) Act 2012<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 115(2) of that Act, the Scottish Ministers have consulted the Keeper of the Registers of Scotland.

**PART 1**

Introductory

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Land Register Rules etc. (Scotland) Regulations 2014 and come into force on 8th December 2014.

(2) In these Regulations—

“the Act” means the Land Registration etc. (Scotland) Act 2012; and

“plot of land comprising seabed” means a plot of land entirely covered by water that lies within the territorial sea of the United Kingdom adjacent to Scotland.

## PART 2

### Advance notices

#### Forms to apply for, or to discharge, an advance notice

2. An application for—
  - (a) an advance notice under section 57(1) of the Act must be made—
    - (i) in respect of the whole of a registered plot, using the Form set out in Part 1 of Schedule 1;
    - (ii) in respect of part of a registered plot, using the Form set out in Part 2 of Schedule 1;
  - (b) discharge of an advance notice under section 63(1) of the Act must be made using the Form set out in Part 3 of Schedule 1.

#### Procedure for application for an advance notice

3.—(1) An application for an advance notice relating to the whole of a registered plot or discharge of an advance notice must be sent to the Keeper electronically using a computer system for advance notices under the management and control of the Keeper, unless—

- (a) the computer system notifies the applicant who attempts to use it that it is unavailable for a period of 48 hours or longer; or
- (b) the applicant—
  - (i) has no computer facilities with access to the internet; or
  - (ii) is the granter of the deed.

(2) Only a person authorised by the Keeper may use that computer system.

(3) An application for an advance notice relating to part of a registered plot must be completed electronically using that computer system before being printed on paper, signed by the applicant and sent to the Keeper on paper, unless—

- (a) the computer system notifies the applicant who attempts to use it that it is unavailable for a period of 48 hours or longer; or
- (b) the applicant—
  - (i) has no computer facilities with access to the internet; or
  - (ii) is the granter of the deed.

#### Description of an unregistered plot or unregistered lease in an advance notice

4.—(1) An advance notice by virtue of section 56(1)(e) of the Act must contain a description of the subjects of the lease or plot of land sufficient to enable the Keeper to identify those subjects or that plot.

(2) The description mentioned in paragraph (1) must identify the subjects of the lease or plot of land by reference to the—

- (a) description in a deed recorded in the Register of Sasines; and
- (b) postal address (if any).

(3) Where the subjects of the lease or plot of land form part only of the subjects described in a deed recorded in the Register of Sasines, the description mentioned in paragraph (2) must be accompanied by a plan of that part which satisfies the Keeper that the Keeper can delineate its boundaries on the cadastral map.

### **Notification of acceptance of advance notice**

5.—(1) The Keeper must notify the applicant or applicant’s agent that the advance notice has been entered in the application record.

(2) A notification given under paragraph (1) must be made by email to the email address contained in the application, except in cases where an application has been made using a paper form under regulation 3(1)(b) or (3)(b).

(3) The notification given under paragraph (1) must contain the—

- (a) granter’s name and designation;
- (b) grantee’s name and designation;
- (c) application number;
- (d) advance notice number;
- (e) type of intended deed;
- (f) particulars of the—
  - (i) plot of land; or
  - (ii) subjects of lease;
- (g) where section 57(4)(a)(ii) of the Act applies, a PDF(2) file of the delineation on the cadastral map; and
- (h) date when the advance notice is entered on the application record.

### **Removal of delineation from the cadastral map where intended deed not registered**

6. In respect of an advance notice for a deed which is not registered during the protected period, the period prescribed under section 62(2) of the Act, after which the Keeper must remove the delineation on the cadastral map, is 35 days beginning on the day after the date when the notice is entered in the application record.

## **PART 3**

### **Registration**

#### **Form to apply for registration in the Land Register**

7. An application for registration of—

- (a) a deed under section 21 of the Act; or
- (b) an unregistered plot under section 27 of the Act,

must be made using the Form set out in Part 4 of Schedule 1.

#### **Application for registration of plot of land comprising seabed**

8. In respect of an application for registration of a deed in relation to a plot of land comprising seabed, the deed must contain—

- (a) a description of the plot of land based on OSGB36 coordinates(3); and

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(2) Portable document format – ISO 32000-1:2008.

(3) National Grid - Ordnance Survey Great Britain 1936.

- (b) a plan, in a form that the Keeper considers reasonably identifies the location of the plot of land in relation to the coast of Scotland.

### **Affidavits to accompany applications for registration**

9. An affidavit which—

- (a) accompanies an application for registration;
- (b) accompanies an application to vary warranty; or
- (c) provides evidence in respect of rectification of the register,

must be made before a notary public.

### **Application record**

10.—(1) Where the Keeper enters an application in the application record, the Keeper must allocate an application number to that application.

(2) An application number is a unique identifier consisting of numerals or of letters and numerals.

(3) Where an application for registration requires the creation of a—

- (a) cadastral unit;
- (b) lease title sheet; or
- (c) title sheet for a flat,

the Keeper must allocate a provisional title number to that application.

(4) Where additional cadastral units require to be created in respect of an application, the Keeper may allocate additional application numbers and provisional title numbers until registration is completed under section 30 or 31 of the Act.

(5) Where registration is completed under section 30 or 31 of the Act, the provisional title number will become the title number assigned under section 4(1) of the Act.

### **Acknowledgement of application for registration**

11.—(1) After an application for registration is entered in the application record, the Keeper must acknowledge receipt of that application if an email address for acknowledgment is contained in the application.

(2) An acknowledgment given under paragraph (1) must contain the—

- (a) type of deed;
- (b) names of the parties;
- (c) date of application;
- (d) application number allocated under regulation 10(1);
- (e) title number or provisional title number allocated under regulation 10(3); and
- (f) particulars of the plot of land or the subjects of lease.

### **Title sheets**

12.—(1) In addition to the information required to be entered in the property section by virtue of section 6 of the Act, the property section must contain—

- (a) the date of—

- (i) registration of the plot of land; and
  - (ii) the last entry in the title sheet;
  - (b) the terms of any caveat;
  - (c) in respect of a title sheet created for registration of—
    - (i) a deed relating to—
      - (aa) an unregistered plot; or
      - (bb) part of a registered plot; or
    - (ii) an unregistered plot,
- particulars of any deed in which servitude rights are constituted;
- (d) a statement where minerals are excepted;
  - (e) for a plot of land comprising seabed, the OSGB36 coordinates representing the boundaries of that plot; and
  - (f) in respect of a title sheet created for registration of—
    - (i) a deed relating to—
      - (aa) an unregistered plot; or
      - (bb) part of a registered plot; or
    - (ii) an unregistered plot,

the area measurement of the cadastral unit where it is greater than 0.5 hectare.

(2) In addition to the information required to be entered in the property section by virtue of section 7 of the Act, the proprietorship section must contain the—

- (a) consideration; and
- (b) date of entry.

#### **Amendments etc. of application**

**13.** Where the Keeper has consented under section 34(1)(b) of the Act to substitution or amendment of an application, the substituted or amended application must be received by the Keeper before the expiry of the period of 42 days beginning on the day after the date of consent.

#### **Combination of cadastral units**

**14.** Where—

- (a) the Keeper combines cadastral units under section 13(2)(a) of the Act; and
- (b) each registered plot of land has a different date of registration,

the earliest date of registration entered in the title sheet of one of those registered plots will be the date of registration of the resultant plot of land.

#### **Form to place a caveat on a title sheet**

**15.** An application to—

- (a) place on a title sheet a caveat granted under section 67(3) of the Act;
- (b) renew a caveat granted under section 69(2) of the Act;
- (c) restrict a caveat granted under section 70(2) of the Act;
- (d) recall a caveat granted under section 71(2) of the Act; or

(e) discharge a caveat under section 72 of the Act, must be made using the Form set out in Part 5 of Schedule 1.

**Form to vary warranty**

**16.** An application to vary warranty under section 76(2) of the Act must be made using the Form set out in Part 6 of Schedule 1.

**Corrections**

**17.—(1)** Where the Keeper becomes aware of a typographical error in a title sheet, the Keeper may correct the error.

(2) In paragraph (1), “typographical error” means an error which is not an inaccuracy (within the meaning of section 65 of the Act).

**PART 4**

**Prescriptive claimants**

**Notification by prescriptive claimants**

**18.—(1)** An applicant must notify the person mentioned in section 43(4) of the Act by sending the notification—

- (a) at least 60 days prior to submitting to the Keeper the application for registration of a disposition mentioned in section 43(1) of the Act; and
- (b) by a postal service which provides for the delivery of the notification to be recorded.

(2) The notification made under section 43(4) of the Act must be in the form set out in Schedule 2.

St Andrew’s House,  
Edinburgh  
28th May 2014

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulations 2, 7, 15 and 16

APPLICATION FORMS TO BE USED IN CONNECTION WITH LAND REGISTRATION

**List of forms**

<i>Form</i>	<i>Purpose</i>	<i>Relevant provisions of the Rules</i>
PART 1	Application for an Advance Notice relating to Whole of a Registered Plot	Regulation 2(a)(i)
PART 2	Application for an Advance Notice relating to Part of Registered Plot	Regulation 2(a)(ii)
PART 3	Application to Discharge an Advance Notice	Regulation 2(b)
PART 4	Application for Registration	Regulation 7
PART 5	Application relating to a Caveat	Regulation 15
PART 6	Application to Vary Warranty	Regulation 16

Regulation 2(a)(i)

**PART 1**

**Land Registration etc. (Scotland) Act 2012**

Application for an Advance Notice relating to Whole of a Registered Plot

**In accordance with section 56(1) of the Land Registration etc. (Scotland) Act 2012 an advance notice is a notice stating that a person (the ‘Granter’) intends to grant a deed (‘Intended Deed Type’) to another person (the ‘Grantee’).**

**Agent Details**

Agent’s reference

Agent’s telephone number

Agent’s email address

Agent’s name and address

**Payment Details**

FAS Number

Payment method

**Intended Deed Type**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Subjects**

Title number(s) of registered plot of land or lease affected by this advance notice

Property name

Property number

Street name

Town

Postcode

Description of plot of land with no postal address

**Grantor Details**

Individual

Prefix

Forename

Surname

Property name

Property number

Street name

Town

Postcode

Country

Non-natural person

Prefix

Name

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

Country

**Grantee Details**

Individual

Prefix

Forename

Surname

Property name

Property number

Street name



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Town

Postcode

Country

Non-natural person

Prefix

Name

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

Country

**Applicant Statement and Declarations**

I/We apply for an advance notice in terms of section 57 of the Land Registration etc. (Scotland) Act 2012 in respect of a registrable deed which I/we intend to grant. By making such application I/we confirm that (i) I/we may validly grant such a deed (or) (ii) I/we have the consent of a person who may validly do so, in accordance with section 57(2)(a) or (b) respectively, of the Land Registration etc. (Scotland) Act 2012.

I/We certify that the information supplied on this Form is complete and correct to the best of my/our knowledge and belief.

Signature(s)

Date

Regulation 2(a)(ii)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## PART 2

### Land Registration etc. (Scotland) Act 2012

#### Application for an Advance Notice relating to Part of Registered Plot

**In accordance with section 56(1) of the Land Registration etc. (Scotland) Act 2012 an advance notice is a notice stating that a person (the ‘Granter’) intends to grant a deed (‘Intended Deed Type’) to another person (the ‘Grantee’).**

#### **Agent Details**

Agent’s reference

Agent’s telephone number

Agent’s email address

Agent’s name and address

#### **Payment Details**

FAS Number

Payment method

**Intended Deed Type**

**Subjects**

Title number(s) of registered plot of land or lease affected by this advance notice

Are the subjects a flatted building capable of being represented as a single cadastral unit in accordance with section 56(2) of the Land Registration etc. (Scotland) Act 2012?

Property name

Property number

Street name

Town

Postcode

Description of plot of land with no postal address

**Related Plan**

**Where application is accepted by the Keeper on paper:—**

Submit a paper plan

**Where application is accepted electronically by the Keeper:—**

Development Plan Approval Number and Development Plan Approval Plot Number

or

Provide co-ordinates

or

Upload shape file

**Granter Details**

**Individual**

Prefix

Forename

Surname

Property name

Property number

Street name

Town

Postcode

Country

**Non-natural person**

Prefix

Name

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

Country

**Grantee Details**

**Individual**

Prefix

Forename

Surname

Property name

Property number

Street name

Town

Postcode

Country

**Non-natural person**

Prefix

Name

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

Country

**Applicant Statement and Declarations**

I/We apply for an advance notice in terms of section 57 of the Land Registration etc. (Scotland) Act 2012 in respect of a registrable deed which I/we intend to grant. By making such application I/we confirm that (i) I/we may validly grant such a deed (or) (ii) I/we have the consent of a person who may validly do so, in accordance with section 57(2)(a) or (b) respectively, of the Land Registration etc. (Scotland) Act 2012.

I/We certify that the information supplied on this Form is complete and correct to the best of my/our knowledge and belief.

Signature(s)

Date

*Document Generated: 2023-05-27*

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Regulation 2(b)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## PART 3

### Land Registration etc. (Scotland) Act 2012

#### Application to Discharge an Advance Notice

##### **Agent Details**

Agent's reference  
Agent's telephone number  
Agent's email address  
Agent's Name and Address

##### **Payment Details**

FAS Number  
Payment method  
Advance Notice Number to be discharged

##### **Intended Deed Type**

##### **Subjects**

Title number(s) of registered plot of land or lease affected by this advance notice  
Property name  
Property number  
Street name  
Town  
Postcode  
Description of plot of land with no postal address

##### **Granter Details**

##### **Individual**

Prefix  
Forename  
Surname  
Property name  
Property number  
Street name  
Town  
Postcode  
Country

##### **Non-natural person**

Prefix  
Name  
Allocated number (if any, e.g. company number)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Property name  
Property number  
Street name  
Town  
Postcode  
Country

**Grantee Details**

**Individual**

Prefix  
Forename  
Surname  
Property name  
Property number  
Street name  
Town  
Postcode  
Country

**Non-natural person**

Prefix  
Name  
Allocated number (if any, e.g. company number)  
Property name  
Property number  
Street name  
Town  
Postcode  
Country

**Applicant Statement and Declarations**

I/We hereby certify that the person to whom the intended deed would be granted consents to this application to discharge the advance notice relating to that deed in accordance with section 63(3)(a) of the Land Registration etc. (Scotland) Act 2012.

I/We certify that the information supplied on this Form is complete and correct to the best of my/our knowledge and belief.

Signature(s)  
Date

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## PART 4

### Land Registration etc. (Scotland) Act 2012 Application for Registration

Unless the context otherwise indicates, any reference in this form to a section of an Act is a reference to a section of the Land Registration etc. (Scotland) Act 2012

#### PART A

##### **Agent Details**

Agent's reference  
Agent's telephone number  
Agent's email address  
Agent's name and address

##### **Notification Details**

Email address for applicant's notification  
Email address for granter's notification

##### **Payment Details**

FAS Number  
Monetary consideration  
Non-Monetary consideration  
Value  
Annual rent  
Fee  
Payment method

##### **Application Details**

Application type  
Type of deed  
County  
Title number

*Mark X in the box if more than one title number and insert details in the additional information sheet.*

Search Sheet number(s) (if known)  
Development Plan Approval number  
Date of entry  
Property name  
Property number



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Street name

Town

Postcode

Description of plot of land with no postal address

Mark X in the box if more than one property and insert details in the additional information sheet.

**Applicant Details**

**Individual**

Prefix

Forename

Surname

Property name

Property number

Street

Town

Postcode

Country

**Non-natural person**

Prefix

Name

Allocated number (if any, e.g. company number)

Property name

Property number

Street

Town

Postcode

Country

Mark X in the box if more than one applicant and insert details in the additional information sheet.

**Granter Details**

**Individual**

Prefix

Forename

Surname

Property name

Property number

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Street

Town

Postcode

Country

**Non-natural person**

Prefix

Name

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

County

Mark X in the box if more than one grantor and insert details in the additional information sheet.

**PART B**

**Plans Questions - Guidance** - This question is not applicable where the deed being registered affects the whole of a registered plot.

If a plans pre-registration report has been issued by the Keeper in connection with this application, please quote the report number.

Has all or part of the plot of ground been delineated on the cadastral map?

Yes or No

If yes, please provide the cadastral unit number or title number of which it forms part.

If the extent of the plot has been delineated on the cadastral map as part of an advance notice please provide the advance notice number.

Do the deeds submitted in support of this application include a plan or full bounding description identifying the extent of the plot to be registered?

Yes or No

If yes, please provide the details of the deed or deed inventory number

**Common Areas – Guidance** - This question is only applicable where the deed being registered either affects an unregistered plot or transfers part of a registered plot.

Does the deed being registered transfer any area of ground that is owned in common with another person or other persons?

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Yes or No

If yes, has the area of ground been included in any registered title(s)?

Yes or No

*Please ensure the deed narrates the title number(s) for the area(s) of ground and the title number(s) are included in Part A of this form.*

### **ROI Question**

Is the validity of the deed to which this application relates capable of being affected by an entry in the Register of Inhibitions and Adjudications ("RoI")?

Yes or No

If yes, has a search of the RoI been carried out on the granter of the deed and any party whose right has vested in the granter by virtue of any unregistered mid-couple or link in title?

Yes or No

If yes, please provide the date to which the search was certified.

Did the search disclose an entry in the RoI which might affect the validity of the deed to which this application relates?

Yes or No

If yes, please provide details.

### **Land and Buildings Transaction Tax**

Is the transaction to which this application relates a notifiable transaction in terms of section 30 of the Land and Buildings Transaction Tax (Scotland) Act 2013?

Yes or No

If yes, has a land transaction return been made, and have arrangements satisfactory to the tax authority been made for the payment of any tax payable in respect of the transaction?

Yes or No

### **Title examination**

Has there been any limitation or restriction on the examination of title?

Yes or No

If yes, please provide details in the further information field.

### **Certification in relation to links in title**

Is the granter of the deed the last recorded/registered proprietor?

Yes or No

*By signing this application form you are certifying to the Keeper that appropriate links in title are in place and that the granter has the legal right to grant the deed.*

If no, and the deed is a disposition, is the disposition to be treated as valid by virtue of section 43(1)(prescriptive claimants)?

Yes or No

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**Servitudes - Guidance** - This question is only applicable where the deed being registered affects an unregistered plot.

Is the plot of ground to which this application relates the benefited subjects in relation to any servitude?

Yes or No

If yes, how was the servitude right created? -  in a deed or  by prescription

Where the plot of ground is the benefited subjects in relation to a servitude right(s) created in a deed(s) please specify the deed(s) (or provide the number of the deed on the inventory of deeds attached to this form) in which the right was constituted.

*Where the servitude right has been constituted by prescription under the Prescription and Limitation (Scotland) Act 1973 the application must include the particulars of the servitude and include a plan or a description sufficient to enable the Keeper to delineate the extent of the servitude on the cadastral map.*

**Heritable Securities - Guidance** - This question is only applicable where the deed being registered affects an unregistered plot.

Has a search been carried out in the General Register of Sasines to determine if there are any outstanding heritable securities affecting the plot of land?

Yes or No

Is this search certified to the same date as the search of the RoI?

Yes or No

If no, please provide the date to which the last search was certified.

Where the plot of ground is affected by an outstanding heritable security please specify the details of the security or the deed inventory number.

**Burdens - Guidance** - This question is only applicable where the deed being registered affects an unregistered plot.

Is the plot of ground to which this application relates subject to any encumbrance within the meaning of section 9 (e.g. a long lease, long sub-lease, public right of way, path order, tree preservation order or any other encumbrance the inclusion of which in the register is permitted or required, expressly or impliedly, by an enactment)?

Yes or No

If yes, please provide details.

#### **Extension of warranty**

Are you applying for an extension of warranty under section 75(1)?

Yes or No

If yes, please indicate the relevant subsection of section 73(2) in respect of which you are applying.

*Evidence in line with the Keeper's published guidance must be included with the application or the application will be rejected.*

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### Further Information

If there is any other information material to this application that has not already been disclosed in this application or its accompanying documents, please provide details.

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### Declaration

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#### Application to register deeds

I/We apply for registration of the deed identified in Part A of this form and certify that this application complies with the general application conditions in section 22, and the particular applicable conditions mentioned in section 21(2).

Where the certification above is made in relation to an application to register a deed, the validity of which is dependent on the registration of a related deed, please provide details of the related deed.

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#### Application for voluntary registration

I /We apply for the registration of an unregistered plot of land.

I/We certify that this application complies with the requirements of sections 27 and 28.

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I/We certify that the information given in this form and the answers to the above questions are complete and correct to the best of my/our knowledge and belief.

Name

Signature(s)

Date of Signing

**Warning:** In submitting this application you must take reasonable care to ensure that the Keeper does not inadvertently make the register inaccurate as a result of a change made in consequence of it. If you fail to do so you may be liable to pay compensation to the Keeper for any loss suffered as a result (see section 111).

**Warning:** It is an offence to knowingly or recklessly make a materially false or misleading statement, or to intentionally or recklessly fail to disclose material information, in relation to this application (see section 112).

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### Supplementary Information

#### Land Use Question

Please indicate the primary use of the plot of land:

- Residential
- Commercial
- Land Only
- Agricultural
- Forestry
- Other

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Inventory of Deeds**

<b>Item No.</b>	<b>Deed</b>	<b>Grantee</b>	<b>Date of Recording</b>
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**Additional Information Sheet(s)** – Please use this sheet to provide details of any additional title numbers affected by the registration of the deed to which this application relates and any additional properties, applicants or granters referred to in the deed.

Additional Title Numbers

Additional Properties

Additional Applicants

Additional Granters

Regulation 15

## PART 5

### Land Registration etc. (Scotland) Act 2012

#### Application relating to a caveat

##### **Agent Details**

Agent's reference

Agent's telephone number

Agent's email address

Agent's name and address

##### **Payment details**

FAS number

Payment method

##### **Subjects affected by caveat**

Title number(s)

Property name

Property number

Street name

Town

Postcode

Description of plot of land with no postal address

##### **Application type**

- Noting of a caveat on a title sheet
- Renewal of a caveat
- Restriction of a caveat

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- Recall of a caveat
- Discharge of a caveat

Existing caveat application number (if affected by this application)

**Applicant Details**

Individual

Prefix

Forename

Surname

Property name

Property number

Street name

Town

Postcode

Country

**Non-natural person**

Prefix

Name

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

Country

**Registered Proprietor Details**

Name

Designation

Signature

Date

Regulation 16



## PART 6

### Land Registration etc. (Scotland) Act 2012

#### Application to vary warranty

##### **Agent Details**

Agent's reference

Agent's telephone number

Agent's email address

Agent's name and address

##### **Payment Details**

FAS Number

Payment method

##### **Subjects**

Title number(s)

Property name

Property number

Street name

Town

Postcode

Description of plot of land with no postal address

##### **Applicant Details**

###### **Individual**

Prefix

Forename

Surname

Property name

Property number

Street name

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Town

Postcode

Country

**Non-natural person**

Prefix

Name

Allocated number (if any, e.g. company number)

Property name

Property number

Street name

Town

Postcode

**Variation of Warranty**

In what respect is a variation of warranty sought?

Explain why it is appropriate for the Keeper to vary the warranty currently provided for.

To support this application, I/we enclose the documents/evidence listed below.

Signature

Date

## SCHEDULE 2

Regulation 18(2)

### Form of notification by prescriptive claimants

Name and address of prescriptive claimant  
(See note 1 for completion)

Name and address of person notified  
(See note 2 for completion)

Description of the land over which a prescriptive claim is sought  
(See note 3 for completion)

Applicable paragraph of section 43(4) of the Act  
(See note 4 for completion)

Evidence of links in title (required only where person notified under section 43(4)(b) of the Act)  
(See note 5 for completion)

Service  
(See note 6 for completion)

I swear or affirm that the information contained in this notice is, to the best of my knowledge and belief, true.

Signature of person sending notice

Date

*Explanatory Note*  
(This explanation has no legal effect)

This notice is sent by a person who is seeking to become a prescriptive claimant under section 43 of the Land Registration etc. (Scotland) Act 2012 (“the Act”) in respect of the land detailed in the notice. This means that the person is seeking to register a disposition in their favour in the Land Register of Scotland which, on certain other criteria relating to possession being met, will result in them becoming the owner of the land in question. You have been notified as a person who (a) appears to be the proprietor of the land or (b) appears to be a person who may be able to become proprietor of the land or (c) as a representative of the Crown. The notice will specify which of the three categories you have been notified under. If you have been notified as a person who may become owner the links between the last known owner and you will be detailed in the notice.

This notice does not require you to take any action. However, if you consider that you do own or are capable of becoming owner of the land in question and you wish to challenge the prescriptive claim or to negotiate a sale you are advised to contact your solicitor or other adviser.

Please note if the prescriptive claim proceeds to registration you may be notified again by the Keeper of the Registers of Scotland. The Keeper’s notification will contain guidance on how to respond to that notification.

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*Notes for completion of the notification  
(These notes have no legal effect)*

- 1 Insert the name and address of the person or persons seeking to take a disposition of the area of land. If there is an additional address for correspondence (such as a solicitor) you may also insert this here and specify it as the address for correspondence.
- 2 Insert the name and address of the person being notified.
- 3 Describe the land in a way that is sufficient to identify it. Where the land has been registered in the Land Register the description should refer to the title number(s) of the title sheets for the plot of land or the larger plot of land of which the land forms part. Otherwise it should normally refer to and identify a deed (or deeds) recorded in a specified division of the General Register of Sasines.
- 4 Insert whether the person is being notified under section 43(4)(a), (b) or (c) of the Act. Where notification is to the Crown in respect of land which has or may have passed to the Crown as bona vacantia or ultimis haeres then notification is to the Queen's and Lord Treasurer's Remembrancer. Where notification is to the Crown in respect of land which is or may be held by the Crown by virtue of the regalia majora, then notification is to the Crown Estate.
- 5 Where notification is by virtue of s 43(4)(b) list the midcouples or links between the person with the last recorded or registered title and the person being notified.
- 6 Service – Do not complete until a copy of the notice has been sent to the person being notified. Then insert "XXX has been sent a copy of this notice by (specify the method of delivery used in compliance with regulation 18(1)(b) of the Land Register Rules etc. (Scotland) Regulations 2014 on (date of posting) at (address in notice)".

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make rules for making up and keeping the Land Register of Scotland ("the register"), the procedure for applications for registration, forms to be used, requiring the Keeper of the Registers of Scotland ("the Keeper") to enter in the title sheet record certain information, and other matters which may or must be provided for under the Land Registration etc. (Scotland) Act 2012 ("the Act") or to give it full effect.

Regulation 2 provides for application forms to be used in respect of advance notices.

Regulation 3 provides for the procedure to be followed in respect of advance notices.

Regulation 4 provides for the description to be contained in an advance notice where the intended deed relates to an unregistered lease or unregistered plot of land.

Regulation 5 provides for notifications of acceptance of advance notices.

Regulation 6 provides for the removal of a delineation made on the cadastral map in respect of an advance notice where the intended deed is not registered within the protected period.

Regulation 7 prescribes the application form to be used for registration of a deed or plot of land.

Regulation 8 provides for the requirements for applications for registration of a plot of land comprising seabed.

Regulation 9 provides the requirements for affidavits.

Regulation 10 provides for the allocation of application numbers and provisional title numbers.

Regulation 11 provides for acknowledgment of applications for registration.

Regulation 12 provides for information to be entered in title sheets.

Regulation 13 provides for amendments and substitutions to applications.

Regulation 14 sets out the date of registration applied when two or more cadastral units are combined to make one plot of land.

Regulation 15 prescribes the application form to be used to have a caveat placed on a title sheet.

Regulation 16 prescribes the application form to vary warranty.

Regulation 17 provides that the Keeper may correct typographical errors in title sheets where the error is not an inaccuracy as defined in section 65 of the Act.

Regulation 18 provides the method of notification by a prescriptive claimant, the form of which is set out in Schedule 2.

A business regulatory impact assessment has not been provided for this instrument as no impact on the private or voluntary sectors is foreseen.