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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 150**

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

**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(1) 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.