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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 190**

**The Land Registration etc. (Scotland) Act 2012  
(Incidental, Consequential and Transitional) Order 2014**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Land Registration etc. (Scotland) Act 2012 (Incidental, Consequential and Transitional) Order 2014.

(2) It comes into force on 8th December 2014.

(3) In this Order, “the Land Registration Act” means the Land Registration etc. (Scotland) Act 2012.

*Primary legislation*

**Amendment of the Prescription and Limitation (Scotland) Act 1973 and consequential repeal**

2.—(1) In Schedule 1 to the Prescription and Limitation (Scotland) Act 1973(1) (obligations which, notwithstanding paragraph 1 of the Schedule, are not affected by prescriptive periods of 5 years under section 6 of that Act), in paragraph 2(e), for “to (aca)”(2) substitute “to (ae)”.

(2) In paragraph 18 of schedule 5 to the Land Registration Act (minor and consequential modification of the Prescription and Limitation (Scotland) Act 1973)—

(a) in sub-paragraph (6), for “sub-paragraph (ac)” substitute “sub-paragraph (aca)”; and

(b) sub-paragraph (7)(a) is repealed.

**Amendment of the Requirements of Writing (Scotland) Act 1995**

3. In the Requirements of Writing (Scotland) Act 1995(3), in section 1 (writing required for certain contracts, obligations, trusts, conveyances and wills), subsections (2A) and (2B) are repealed.

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(1) 1973 c.52. Paragraph 2(e) is prospectively amended by paragraph 18(7)(a) of schedule 5 to the 2012 Act and amended by section 60(b) of the Long Leases (Scotland) Act 2012 (asp 9).

(2) Inserted by the Long Leases (Scotland) Act 2012 (asp 9), section 60(b). Paragraph 1(ad) and (ae) of Schedule 1 to the Prescription and Limitation (Scotland) Act 1973 (c.52) is prospectively inserted by the Land Registration etc. (Scotland) Act 2012 (asp 5), schedule 5, paragraph 18(6).

(3) 1995 c.7, amended by the Petroleum Act 1998 (c.17), Schedule 5, Part 1, paragraph 1, the Scotland Act 1998 (c.46), Schedule 8, paragraph 31, S.I. 1999/1820, Schedule 2, Part 1, paragraph 118, the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), schedule 12, Part 1, paragraph 58, S.I. 2000/2040, Schedule, Part 1, paragraph 17, the Housing (Scotland) Act 2001 (asp 10), schedule 10, paragraph 22, S.S.I. 2001/128, Schedule 4, paragraphs 4 and 5, the Title Conditions (Scotland) Act 2003 (asp 9), schedule 15, paragraph 1, S.S.I. 2006/491, article 3, the Companies Act 2006 (c.46), Schedule 16, paragraph 1, the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), sections 48(1) and 222(2) and (3), S.I. 2008/948, Schedule 1, Part 2, paragraph 199, S.I. 2009/1941, Schedule 1, paragraph 151 and the Land Registration etc. (Scotland) Act 2012 (asp 5) (“the 2012 Act”), sections 96, 97 and 98 and schedule 3. Sections 9B(1)(b) and (2)(c), 9C(2) and 9E(1)(d) are inserted by section 97 of the 2012 Act for limited purposes by, and subject to transitional provision for Automated Registration of Title to Land (“ARTL”) documents in article 3(2) of, S.S.I. 2014/41.

### **Land Registration Act - advance notices for deeds in relation to registered leases**

4. The application of Part 4 of the Land Registration Act is modified in relation to registered leases by the insertion in section 57(4)(a)(application for advance notice) after “relates to”, of “a registered lease or”(4).

### **Land Registration Act - shared and sharing leases**

5. In schedule 1 to the Land Registration Act (registered leases tenanted in common)—
- (a) in paragraph 7(b), for “that” substitute “the shared lease”; and
  - (b) in paragraph 7(c), for “the shared lease title sheet” substitute “that title sheet”.

### **Land Registration Act – transitional provisions**

6. In schedule 4 (transitional provisions) of the Land Registration Act, after paragraph 11 insert—  
*“Common areas: Sasine arrangements*

**11A.** For the period beginning with the designated day and ending with the day before the date prescribed by an order under section 48(3)—

- (a) section 7(1)(b) applies only to shares of proprietors whose right is registered,
- (b) in the case of ownership in common, section 8(1) applies only to heritable securities granted by a proprietor whose right is registered,
- (c) section 17(3)(b) applies to such of the plots of land mentioned in section 17(1)(a) as are registered,
- (d) section 27(2) applies also to a person whose right in the plot is registered only as proprietor of a share in the plot, and
- (e) section 48(1)(d) applies as if a registered plot of land means a registered share of a plot of land owned in common.

*Assignment of registered leases: Sasine arrangements*

**11B.** For the period beginning with the designated day and ending with the day before the date prescribed by an order under section 48(3), for an application under section 21(1) to register an assignation of a registered lease where the subjects of the lease consist of or form part of an unregistered plot of land, the conditions in section 26 apply with the effect that—

- (a) in subsection (1)(b), “plot of land” is to be read as “lease”,
- (b) in subsection (1)(c), “title sheet” is to be read as “lease title sheet”,
- (c) subsections (1)(d), (3), (4) and (5) do not apply, and
- (d) in subsection (2), “plot” in both places it occurs is to be read as “lease”.

### *Secondary legislation*

### **Amendment of the Register of Sasines (Application Procedure) Rules 2004**

7.—(1) The Register of Sasines (Application Procedure) Rules 2004(5) are amended as follows.

(2) For rule 2 (application form) substitute—

**“2.** An application for the recording in the Register of Sasines of—

- (a) a deed is made on the form set out in Part 1;

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(4) See section 52 of the 2012 Act for the registration of leases in the Land Register.

(5) [S.S.I. 2004/318](#), amended by [S.S.I. 2006/568](#).

- (b) an advance notice is made on the form set out in Part 2; and
  - (c) a discharge of an advance notice is made on the form set out in Part 3,
- of the Schedule.”.

(3) In rule 5 (information as regards recording fee), for “deed under section 25 of the Land Registers (Scotland) Act 1868(6)” substitute “deed, advance notice or discharge of an advance notice under section 110 of the Land Registration etc. (Scotland) Act 2012”.

(4) In rule 6 (acceptance of a deed for recording), on both occasions after “deed” occurs, insert “, advance notice or discharge of an advance notice”.

(5) In the Schedule(7)—

- (a) before the form set out, insert “Part 1”;
- (b) after that form, insert the forms set out in the Schedule to these Regulations; and
- (c) the heading to the Schedule becomes “Form of application for recording a deed, advance notice or discharge of advance notice in the Register of Sasines”.

#### **Amendment of the Crofting Register (Transfer of Ownership) (Scotland) Regulations 2012**

**8.**—(1) The Crofting Register (Transfer of Ownership) (Scotland) Regulations 2012(8)are amended as follows.

(2) In regulation 2 (transfer of ownership of owner-occupied croft)—

(a) for paragraph (a) substitute—

- “(a) on the registration in the Land Register of Scotland of a deed transferring—
  - (i) an unregistered; or
  - (ii) a registered,plot of land on which the croft is situated;”;

(b) omit paragraph (b).

(3) In regulation 3 (transfer of ownership of land on which croft or common grazing is situated)—

(a) for paragraph (a) substitute—

- “(a) on the registration in the Land Register of Scotland of a deed transferring—
  - (i) an unregistered; or
  - (ii) a registered,

plot of land on which the croft or common grazing is situated;”;

(b) omit paragraph (b).

St Andrew’s House,  
Edinburgh  
26th June 2014

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers

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(6) 1868 c.64; section 25 will be repealed from the designated day on 8th December 2014 by paragraph 5 of schedule 5 to the 2012 Act.

(7) Substituted by S.S.I. 2006/568.

(8) S.S.I. 2012/297.