
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 41

**The Land Registration etc. (Scotland) Act 2012
(Commencement No. 2 and Transitional Provisions) Order 2014**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Land Registration etc. (Scotland) Act 2012 (Commencement No. 2 and Transitional Provisions) Order 2014 and comes into force on 22nd March 2014.

(2) In this Order—

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

“the 1995 Act” means the Requirements of Writing (Scotland) Act 1995(1);

“ARTL System” has the meaning given by section 12 of the 1995 Act(2); and

“electronic communication(3)” has the meaning given by section 12 of the 1995 Act.

Day appointed

2.—(1) Subject to paragraph (2)—

(a) the day appointed for the coming into force of the provisions of the Act specified in column 1 of Part 1 of the Schedule (the subject matter of which is specified in column 2 of that Part) is 22nd March 2014;

(b) the day appointed for the coming into force of the provisions of the Act specified in column 1 of Part 2 of the Schedule (the subject matter of which is specified in column 2 of that Part) is 11th May 2014; and

(c) the day appointed for the coming into force of the provisions of the Act specified in column 1 of Part 3 of the Schedule (the subject matter of which is specified in column 2 of that Part) is the designated day(4).

(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision, that provision comes into force in accordance with paragraph (1)(a), (b) or (c) for that purpose only.

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- (1) 1995 c.7, amended by the Petroleum Act 1998 (c.17), Schedule 5(1), paragraph 1, the Scotland Act 1998 (c.46), Schedule 8, paragraph 31, S.I. 1999/1820, Schedule 2(1), paragraph 118, the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), schedule 12(1), paragraph 58, S.I. 2000/2040, Schedule 1(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(2), paragraph 199, S.I. 2009/1941, Schedule 1, paragraph 151 and the 2012 Act, sections 96, 97 and 98 and schedule 3.
- (2) “ARTL system” was inserted into the 1995 Act by article 3(7)(a)(i) of S.S.I. 2006/491 and is prospectively repealed by paragraph 19(a) of schedule 3 to the 2012 Act.
- (3) “electronic communication” was inserted into the 1995 Act by article 3(7)(a)(iv) of S.S.I. 2006/491 and applies the meaning given within section 15 of the Electronic Communications Act 2000 (c.7), relevantly amended by the Communications Act 2003 (c.21), Schedule 15, paragraph 158. The definition is prospectively repealed by paragraph 19(a) of schedule 3 to the 2012 Act.
- (4) The designated day is designated by the Scottish Ministers by order under section 122 of the 2012 Act.

Transitional provision – Automated Registration of Title to Land

3.—(1) Paragraphs (2) to (4) have effect for the period beginning on 11th May 2014 and ending with the day before the designated day.

(2) Insofar as the provisions of the 1995 Act come into force by virtue of article 2(1)(b) they do not apply to documents created as an electronic communication within the ARTL system.

(3) Sections 1(2A) and (2B), 2A, 2C, 3A and 6A of the 1995 Act⁽⁵⁾ apply only to documents created as an electronic communication within the ARTL system.

(4) Section 12 of the 1995 Act (interpretation)⁽⁶⁾ applies as if it contained a definition of “traditional document” meaning a document written on paper, parchment or some similar tangible surface.

Transitional provision – special cases of subscription and signing

4.—(1) For the period beginning on 11th May 2014 and ending with the day before the designated day, section 7 of and Schedule 2 to the 1995 Act (subscription and signing: special cases) apply to an electronic document as if “signed” and “subscribed” means “authenticated”; and “sign”, “signs”, “signature”, “signing” and “subscription” are to be construed accordingly.

(2) In this article “electronic document” has the meaning given by section 9A of the 1995 Act (subject to article 3(2) which has the effect of excluding documents created as an electronic communication within the ARTL system).

St Andrew’s House,
Edinburgh
19th February 2014

FERGUS EWING
Authorised to sign by the Scottish Ministers

(5) Sections 1(2A) and (2B), 2A, 2C and 3A were inserted by article 3 of [S.S.I. 2006/491](#) and section 6A was inserted by section 222(3) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 ([asp 3](#)).

(6) Amended by the Scotland Act 1998 ([c.46](#)), Schedule 8, paragraph 31, [S.I. 1999/1820](#), Schedule 2(I), paragraph 118, [S.I. 2000/2040](#), Schedule 1(I), paragraph 17, [S.S.I. 2006/491](#), article 3, [S.I. 2009/1941](#), Schedule 1, paragraph 151 and the 2012 Act, schedule 3, paragraph 19.