

SCHEDULES

SCHEDULE 4

LAND OWNERSHIP AND TRANSACTIONS: SCOTLAND

PART 2

TRANSITION: DEEDS REGISTERED PRE-COMMENCEMENT

Duty to register as an overseas entity within transitional period

- 10 (1) This paragraph applies where—
- (a) an overseas entity is entered as proprietor in the proprietorship section of the title sheet for a plot of land that is registered in the Land Register of Scotland, having been so entered during the pre-commencement period,
 - (b) in relation to a lease that was recorded in the General Register of Sasines or registered in the Land Register of Scotland before 8 December 2014, an overseas entity is, by virtue of an assignation of the lease registered in the Land Register of Scotland during the pre-commencement period, the tenant under the lease, or
 - (c) an overseas entity is the tenant under a lease that was registered in the Land Register of Scotland during the pre-commencement period.
- (2) An overseas entity, and every officer of the entity who is in default, commits an offence if—
- (a) on the expiry of the transitional period, the paragraph of sub-paragraph (1) that applied in relation to the overseas entity immediately before the beginning of the transitional period continues to apply in relation to the overseas entity, and
 - (b) the entity is not registered as an overseas entity, has not made an application for registration as an overseas entity that is pending and is not an exempt overseas entity.
- (3) A person guilty of an offence under this paragraph is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (4) Nothing in this paragraph limits the power to give a notice under section 34 at any time.

Disapplication of certain provisions during transitional period

- 11 (1) This paragraph applies where—

Status: This is the original version (as it was originally enacted).

- (a) an overseas entity is entered as proprietor in the proprietorship section of the title sheet for a plot of land that is registered in the Land Register of Scotland, having been so entered during the pre-commencement period,
 - (b) in relation to a lease that was recorded in the General Register of Sasines or registered in the Land Register of Scotland before 8 December 2014, an overseas entity is, by virtue of an assignation of the lease registered in the Land Register of Scotland during the pre-commencement period, the tenant under the lease, or
 - (c) an overseas entity is the tenant under a lease that was registered in the Land Register of Scotland during the pre-commencement period.
- (2) During any part of the transitional period in which the paragraph of sub-paragraph (1) that applied in relation to the overseas entity during the pre-commencement period continues to apply in relation to the overseas entity, the Land Registration etc. (Scotland) Act 2012 (asp 5) (“the 2012 Act”) applies subject to the following modifications.
- (3) Section 112A of the 2012 Act does not apply in relation to the entity or an officer of the entity as regards the plot of land or, as the case may be, lease.
- (4) Paragraphs 2 and 4 of schedule 1A to the 2012 Act do not apply in relation to the entity as regards the plot of land or, as the case may be, lease.

Interpretation

- 12 In this Part of this Schedule—
- “the commencement date” means the day on which section 3(1) comes fully into force;
 - “exempt overseas entity” means an overseas entity of a description specified in regulations under section 34(6);
 - “lease” has the meaning given by section 113(1) of the Land Registration etc. (Scotland) Act 2012;
 - “plot of land” has the meaning given by section 113(1) of the Land Registration etc. (Scotland) Act 2012;
 - “pre-commencement period” means the period beginning with 8 December 2014 and ending immediately before the commencement date;
 - “proprietor” has the meaning given by section 113(1) of the Land Registration etc. (Scotland) Act 2012;
 - “transitional period” has the meaning given by section 41(10).
- 13 For the purposes of paragraphs 10(1)(a) and 11(1)(a)—
- (a) references to an overseas entity’s being entered as proprietor in the proprietorship section of a title sheet are references to the name of the entity being so entered, and
 - (b) the date on which an overseas entity was entered as proprietor in the proprietorship section of a title sheet is, where the entry was made by virtue of an application for registration, the date of registration as determined under section 37 of the Land Registration etc. (Scotland) Act 2012 (date and time of registration).