

1988 No. 1143 (S.116)

LAND REGISTRATION, SCOTLAND

**The Land Registration (Scotland) Amendment Rules
1988**

<i>Made</i> - - - -	<i>30th June 1988</i>
<i>Laid before Parliament</i>	<i>15th July 1988</i>
<i>Coming into force</i>	<i>1st October 1988</i>

The Secretary of State, in exercise of the powers conferred on him by section 27(1) of the Land Registration (Scotland) Act 1979(a) and of all other powers enabling him in that behalf, and after consultation with the Lord President of the Court of Session, hereby makes the following Rules:

1. These Rules may be cited as the Land Registration (Scotland) Amendment Rules 1988 and shall come into force on 1st October 1988.
2. In place of Forms 1, 2, 3 and 6 of Schedule A to the Land Registration (Scotland) Rules 1980(b), there shall be substituted the Forms similarly numbered in the Schedule to these Rules.

St. Andrew's House, Edinburgh
30th June 1988

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

(a) 1979 c.33.

(b) S.I. 1980/1413, to which there are amendments not relevant to these Rules.

SCHEDULE

Rule 2

LIST OF FORMS BEING SUBSTITUTED IN PLACE OF THE SIMILARLY
NUMBERED FORMS IN THE PRINCIPAL RULES

<i>Form</i>	<i>Purpose</i>	<i>Reference to Act</i>
1	Application for First Registration	section 4
2	Application for Registration of a Dealing (other than the transfer of part of a registered interest in land)	section 4
3	Application for Registration of a Transfer of part of a Registered Interest in Land	section 4
6	Land Certificate	section 5(2)

FORM 1

REGISTERS OF SCOTLAND (Land Registration (Scotland) Rules 1980, Rule 9(1)(a))

APPLICATION FOR FIRST REGISTRATION (See Note 1)

Note: No covering letter is required.

PART A

<p>NAME OF DEED IN RESPECT OF WHICH REGISTRATION IS REQUIRED</p>	<p>PRICE (See Note 5)</p>	<p>FOR OFFICIAL USE Fee</p>			
<p>DESCRIPTION OF SUBJECTS (See Note 2)</p>	<p>TO</p> <p align="center">Keeper of the Registers of Scotland</p> <p align="center">Meadowbank House 153 London Road EDINBURGH EH8 7AU</p> <p align="center">Telephone: 031-659 6111</p>				
<p>Registration County of</p> <p>NAME AND ADDRESS OF APPLICANT (See Note 4)</p>	<p>I/WE APPLY FOR REGISTRATION IN RESPECT OF DEED(S) No. in the Inventory of Writs (Form 4). I/We certify that the information supplied in this application is correct to the best of my/our knowledge and belief.</p> <p>Signature of Applicant or Applicant's Solicitor(s)</p> <p>Date</p> <p>Name of signatory (Block Capitals)</p> <p>Address</p> <p>FAS Account Number</p> <p>Reference Telephone:</p>				
<p>GRANTER/PARTY LAST INFEFT (See Note 3)</p>	<p align="center">FOR OFFICIAL USE</p> <table border="1"> <tr> <td data-bbox="175 1599 525 1886"> <p align="center">Application Number</p> </td> <td data-bbox="525 1599 874 1886"> <p align="center">Date Stamp</p> </td> <td data-bbox="874 1599 1224 1886"> <p align="center">Title Number</p> </td> </tr> </table>		<p align="center">Application Number</p>	<p align="center">Date Stamp</p>	<p align="center">Title Number</p>
<p align="center">Application Number</p>	<p align="center">Date Stamp</p>	<p align="center">Title Number</p>			

Notes 1-5 referred to are contained in Notes and Directions for Completion of Application for First Registration.

PART B

Delete YES or NO as appropriate

-
1. Is there any person in possession or occupation of the subjects or any part of them adversely to the interest of the applicant? **YES/NO**
If YES, please give details:
-
2. If the subjects were acquired by the applicant under any statutory provision, does the statutory provision restrict the applicant's power of disposal of the subjects? **YES/NO**
If YES, please indicate the statute:
-
3. (a) Are there any charges affecting the subjects or any part of them, except as stated in the Schedule of Heritable Securities etc. on page 4 of this application? **YES/NO**
If YES, please give details:
- (b) Apart from overriding interests are there any burdens affecting the subjects or any part of them, except as stated in the Schedule of Burdens on page 4 of this application? **YES/NO**
If YES, please give details:
- (c) Are there any overriding interests affecting the subjects or any part of them which you wish noted on the Title Sheet? **YES/NO**
If YES, please give details:
- (d) Are there any annual monetary payments (e.g. feuduty) exigible from the subjects or any part of them? **YES/NO**
If YES, please give details:
-
4. Where any party to the deed inducing registration is a Company registered under the Companies Acts
- Has a receiver or liquidator been appointed? **YES/NO**
If YES, please give details:
- If NO, has any resolution been passed or court order made for the winding up of the Company or petition presented for its liquidation? **YES/NO**
If YES, please give details:
-
5. Where any party to the deed inducing registration other than the applicant is a Company registered under the Companies Acts
- Has the applicant relied on the provisions of section 35 of the Companies Act 1985 in this transaction? **YES/NO**
- If NO, is the Company acting *intra vires*? **YES/NO**
-
6. Where the applicant is a Company registered under the Companies Acts
- Is the Company acting *intra vires*? **YES/NO**
If NO, please give details:
-

7. Where any party to the deed inducing registration is a corporate body other than a Company registered under the Companies Acts
- (a) Is it acting *intra vires*? YES/NO
If NO, please give details:
- (b) Has any arrangement been put in hand for the dissolution of any such corporate body? YES/NO
If YES, please give details:
-
8. Are *all* the necessary consents, renunciations or affidavits in terms of section 6 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 being submitted in connection with this application? YES/NO
- If YES, are you satisfied that each consent, renunciation or affidavit was produced to the appropriate purchaser at or before the time of the dealing to which it relates? YES/NO
- N.B. If sufficient evidence to satisfy the Keeper that there are no subsisting occupancy rights in the subjects of this application is not submitted with the application then the statement by the Keeper in terms of rule 5(j) of the Land Registration (Scotland) Rules 1980 will not be inserted in the Title Sheet or will be qualified as appropriate without further enquiry by the Keeper.
-
9. Where the deed inducing registration is in implement of the exercise of a power of sale under a heritable security
- Have the statutory procedures necessary for the proper exercise of such power been complied with? YES/NO
-
10. Where the deed inducing registration is a General Vesting Declaration or a Notice of Title pursuant on a Compulsory Purchase Order
- Have the necessary statutory procedures been complied with? YES/NO
-
11. Is any party to the deed inducing registration subject to any legal incapacity or disability?
If YES, please give details: YES/NO
-
12. Are the deeds and documents detailed in the Inventory (Form 4) all the deeds and documents relevant to the title?
If NO, please give details: YES/NO
-
13. Are there any facts and circumstances material to the right or title of the applicant which have not already been disclosed in this application or its accompanying documents?
If YES, please give details: YES/NO
-

This transaction is not in consideration of a price and the value of the subjects does not exceed £

SCHEDULE OF HERITABLE SECURITIES ETC.

N.B. New Charges granted by the applicant should not be included

SCHEDULE OF BURDENS

If a Form 10 Report has been issued in connection with this Application, please quote Report No.

N.B. If more space is required for any section of this form, a separate sheet, or separate sheets, may be added.

PART B

Delete YES or NO as appropriate

-
1. Where the application is for registration as proprietor
- (a) Is there any person in possession or occupation of the subjects or any part of them adversely to the interest of the applicant? **YES/NO**
If YES, please give details:
- (b) If the subjects were acquired by the applicant under any statutory provision, does the statutory provision restrict the applicant's power of disposal of the subjects? **YES/NO**
If YES, please indicate the statute:
- (c) Apart from overriding interests are there any burdens affecting the subjects or any part of them, except as already disclosed in the Land Certificate and in the documents produced with this application? **YES/NO**
If YES, please give details:
- (d) Are there any overriding interests affecting the subjects or any part of them which you wish noted on the Title Sheet? **YES/NO**
If YES, please give details:
- (e) Are there any annual monetary payments (e.g. feuduty) exigible from the subjects or any part of them? **YES/NO**
If YES, please give details:
-
2. Where any party to the dealing is a Company registered under the Companies Acts
- Has a receiver or liquidator been appointed? **YES/NO**
If YES, please give details:
- If NO, has any resolution been passed or court order made for the winding up of the Company or petition presented for its liquidation? **YES/NO**
If YES, please give details:
-
3. Where any party to the dealing other than the applicant is a Company registered under the Companies Acts
- Has the applicant relied on the provisions of section 35 of the Companies Act 1985 in this transaction? **YES/NO**
- If NO, is the Company acting *intra vires*? **YES/NO**
-
4. Where the applicant is a Company registered under the Companies Acts
- Is the Company acting *intra vires*? **YES/NO**
If NO, please give details:
-
5. Where any party to the dealing is a corporate body other than a Company registered under the Companies Act
- (a) Is it acting *intra vires*? **YES/NO**
If NO, please give details:
- (b) Has any arrangement been put in hand for the dissolution of any such corporate body? **YES/NO**
If YES, please give details:
-

6. Are *all* the necessary consents, renunciations or affidavits in terms of section 6 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 being submitted in connection with this application? **YES/NO**
- If **YES**, are you satisfied that each consent, renunciation or affidavit was produced to the appropriate purchaser at or before the time of the dealing to which it relates? **YES/NO**
- N.B.** If sufficient evidence to satisfy the Keeper that there are no subsisting occupancy rights in the subjects of this application is not submitted with the application then the statement by the Keeper in terms of rule 5(j) of the Land Registration (Scotland) Rules 1980 will not be inserted in the Title Sheet or will be qualified as appropriate without further enquiry by the Keeper.
-
7. Where the dealing is in implement of the exercise of a power of sale under a heritable security
- Have the statutory procedures necessary for the proper exercise of such power been complied with? **YES/NO**
-
8. Where the dealing is a General Vesting Declaration or a Notice of Title pursuant on a Compulsory Purchase Order
- Have the necessary statutory procedures been complied with? **YES/NO**
-
9. In all cases
- (a) Is any party to the transaction subject to any legal incapacity or disability not already disclosed on the Land Certificate?
If **YES**, please give details: **YES/NO**
- (b) Are the deeds and documents detailed in the Inventory (Form 4) all the deeds and documents relevant to the application?
If **NO**, please give details: **YES/NO**
- (c) Are there any facts and circumstances material to the right or title of the applicant which have not already been disclosed in this application or its accompanying documents?
If **YES**, please give details: **YES/NO**
-

The transaction is not in consideration of a price and the value of the subjects does not exceed £

OR

The deed does not state the amount of the loan which does not exceed £

N.B. If more space is required for any section of this form, a separate sheet, or separate sheets, may be added.

FORM 3

REGISTERS OF SCOTLAND (Land Registration (Scotland) Rules 1980, Rule 9(1)(c))

APPLICATION FOR REGISTRATION OF A TRANSFER OF PART (See Note 1)

Note: No covering letter is required.

PART A

NAME OF DEED IN RESPECT OF WHICH REGISTRATION IS REQUIRED	PRICE (See Note 5)	FOR OFFICIAL USE Fee
TITLE NUMBER(S) OF REGISTERED INTEREST(S) AFFECTED BY THIS APPLICATION (See Note 3)	TO Keeper of the Registers of Scotland Meadowbank House 153 London Road EDINBURGH EH8 7AU Telephone: 031-659 6111	
DEPOSIT NUMBER	I/WE APPLY FOR REGISTRATION IN RESPECT OF DEED(S) No. in the Inventory of Writs (Form 4). I/We certify that the information supplied in this application is correct to the best of my/our knowledge and belief.	
DESCRIPTION OF SUBJECTS (See Note 2)	Signature of Applicant or Applicant's Solicitor(s) Date Name of signatory (Block Capitals)	
Registration County of	Address	
NAME AND ADDRESS OF APPLICANT (See Note 4)	FAS Account Number Reference Telephone:	
FOR OFFICIAL USE		
Application Number	Date Stamp	Title Number

Notes 1-5 referred to are contained in Notes and Directions for Completion of Application for Registration of a Transfer of Part of Registered Subjects.

PART B

Delete YES or NO as appropriate

-
1. Is there any person in possession or occupation of the subjects or any part of them adversely to the interest of the applicant? **YES/NO**
If YES, please give details:
-
2. If the subjects were acquired by the applicant under any statutory provision does the statutory provision restrict the applicant's power of disposal of the subjects? **YES/NO**
If YES, please indicate the statute:
-
3. (a) Apart from overriding interests are there any burdens affecting the subjects or any part of them, except as already disclosed in the Land Certificate and in the documents produced with this application? **YES/NO**
If YES, please give details:
- (b) Are there any overriding interests affecting the subjects or any part of them which you wish noted on the Title Sheet? **YES/NO**
If YES, please give details:
- (c) Are there any annual monetary payments (e.g. feu duty) exigible from the subjects or any part of them? **YES/NO**
If YES, please give details:
-
4. Where any party to the dealing is a Company registered under the Companies Acts
- Has a receiver or liquidator been appointed? **YES/NO**
If YES, please give details:
- If NO, has any resolution been passed or court order made for the winding up of the Company or petition presented for its liquidation? **YES/NO**
If YES, please give details:
-
5. Where any party to the dealing other than the applicant is a Company registered under the Companies Acts
- Has the applicant relied on the provisions of section 35 of the Companies Act 1985 in this transaction? **YES/NO**
- If NO, is the Company acting *intra vires*? **YES/NO**
-
6. Where the applicant is a Company registered under the Companies Acts
- Is the Company acting *intra vires*? **YES/NO**
If NO, please give details:
-
7. Where any party to the dealing is a corporate body other than a Company registered under the Companies Acts
- (a) Is it acting *intra vires*? **YES/NO**
If NO, please give details:

- (b) Has any arrangement been put in hand for the dissolution of any such corporate body? **YES/NO**
 If YES, please give details:
-
8. Are *all* the necessary consents, renunciations or affidavits in terms of section 6 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 being submitted in connection with this application? **YES/NO**
- If YES, are you satisfied that each consent, renunciation or affidavit was produced to the appropriate purchaser at or before the time of the dealing to which it relates? **YES/NO**
- N.B.** If sufficient evidence to satisfy the Keeper that there are no subsisting occupancy rights in the subjects of this application is not submitted with the application then the statement by the Keeper in terms of rule 5(j) of the Land Registration (Scotland) Rules 1980 will not be inserted in the Title Sheet or will be qualified as appropriate without further enquiry by the Keeper.
-
9. Where the dealing is in implement of the exercise of a power of sale under a heritable security
- Have the statutory procedures necessary for the proper exercise of such power been complied with? **YES/NO**
-
10. Where the dealing is a General Vesting Declaration or a Notice of Title pursuant on a Compulsory Purchase Order
- Have the necessary statutory procedures been complied with? **YES/NO**
-
11. Is any party to the transaction subject to any legal incapacity or disability not already disclosed on the Land Certificate?
 If YES, please give details: **YES/NO**
-
12. Are the boundaries of the subjects defined on the ground by fencing or other type of enclosure? **YES/NO**
-
13. Are the deeds and documents detailed in the Inventory (Form 4) all the deeds and documents relevant to the application?
 If NO, please give details: **YES/NO**
-
14. Are there any facts and circumstances material to the right or title of the applicant which have not already been disclosed in this application or its accompanying documents?
 If YES, please give details: **YES/NO**
-

The transaction is not in consideration of a price and the value of the subjects does not exceed £

N.B. If more space is required for any section of this form a separate sheet, or separate sheets, may be added.

(Land Registration (Scotland) Rules 1980, Rule 14)

LAND REGISTER OF SCOTLAND

**LAND
CERTIFICATE**

TITLE NUMBER

SUBJECTS

This Land Certificate, issued pursuant to section 5(2) of the Land Registration (Scotland) Act 1979, is a copy of the Title Sheet relating to the above subjects.

STATEMENT OF INDEMNITY

Subject to any specific qualifications entered in the Title Sheet of which this Land Certificate is a copy, a person who suffers loss as a result of any of the events specified in section 12(1) of the above Act shall be entitled to be indemnified in respect of that loss by the Keeper of the Registers of Scotland in terms of that Act.

ATTENTION IS DRAWN TO THE NOTICE OVERLEAF AND GENERAL INFORMATION ON THE INSIDE BACK COVER OF THIS CERTIFICATE.

NOTICE

This Land Certificate was made to agree with the Title Sheet of which it is a copy on the most recent date entered below.

This Land Certificate may be made to agree with the Title Sheet at any time without payment. Application should be made on Form 8.

Please see inside back cover for General Information.

GENERAL INFORMATION

1. **OVERRIDING INTERESTS.** A registered interest in land is in terms of section 3(1) of the Land Registration (Scotland) Act 1979 subject to overriding interests defined in section 28 of that Act (hereinafter referred to as "the 1979 Act") as amended by the Matrimonial Homes (Family Protection) (Scotland) Act 1981 as:

in relation to any interest in land, the right or interest over it of

- (a) the lessee under a lease which is not a long lease;
- (b) the lessee under a long lease who, prior to the commencement of the 1979 Act, has acquired a real right to the subjects of the lease by virtue of possession of them;
- (c) a crofter or cottar within the meaning of section 3 or 28(4) respectively of the Crofters (Scotland) Act 1955, or a landholder or statutory small tenant within the meaning of section 2(2) or 32(1) respectively of the Small Landholders (Scotland) Act 1911;
- (d) the proprietor of the dominant tenement in a servitude;
- (e) the Crown or any Government or other public department, or any public or local authority, under any enactment or rule of law, other than an enactment or rule of law authorising or requiring the recording of a deed in the Register of Sasines or registration in order to complete the right or interest;
- (ee) the operator having a right conferred in accordance with paragraph 2, 3 or 5 of Schedule 2 to the Telecommunications Act 1984 (agreements for execution of works, obstruction of access, etc.);
- (f) the holder of a floating charge whether or not the charge has attached to the interest;
- (g) a member of the public in respect of any public right of way or in respect of any right held inalienably by the Crown in trust for the public;
- (gg) the non-entitled spouse within the meaning of section 6 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981;
- (h) any person, being a right which has been made real, otherwise than by the recording of a deed in the Register of Sasines or by registration; or
- (i) any other person under any rule of law relating to common interest or joint or common property, not being a right or interest constituting a real right, burden or condition entered in the title sheet of the interest in land under section 6(1)(e) of the 1979 Act or having effect by virtue of a deed recorded in the Register of Sasines,

but does not include any subsisting burden or condition enforceable against the interest in land and entered in its title sheet under section 6(1) of the 1979 Act.

2. **THE USE OF ARROWS ON TITLE PLANS**
 - (a) Where a deed states the line of a boundary in relation to a physical object, e.g. the centre line, that line is indicated on the Title Plan, either by means of a black arrow or verbally.
 - (b) An arrow across the object indicates that the boundary is stated to be the centre line.
 - (c) An arrow pointing to the object indicates that the boundary is stated to be the face of the object to which the arrow points.
 - (d) The physical object presently shown on the Plan may not be the one referred to in the deed. Indemnity is therefore excluded in respect of information as to the line of the boundary.
3. Lineal measurements shown in figures on Title Plans are subject to the qualification "or thereby". Indemnity is excluded in respect of such measurements.
4. **SUBMISSION OF LAND CERTIFICATE WITH SUBSEQUENT APPLICATIONS FOR REGISTRATION.** In terms of Rule 9(3), this Land Certificate should be submitted to the Keeper of the Registers of Scotland with any application for registration.
5. **CAUTION.** No unauthorised alteration to this Land Certificate should be made.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Land Registration (Scotland) Rules 1980 by altering forms 1, 2, 3 and 6 of Schedule A to take account of necessary changes in layout and content of said forms since their introduction in 1980.