



# Land Registration etc. (Scotland) Act 2012

## 2012 asp 5

### PART 11

#### MISCELLANEOUS AND GENERAL

##### *General provisions*

### 113 Interpretation

- (1) In this Act, unless the context otherwise requires—
- “1995 Act” means the Requirements of Writing (Scotland) Act 1995 (c.7),
  - “advance notice” has the meaning given by section 56(1),
  - “application for registration” means an application under section 21 or 27,
  - “application record” has the meaning given by section 15,
  - “archive record” has the meaning given by section 14(1),
  - “the base map” has the meaning given by section 11(6),
  - “benefited property” has the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9),
  - “burdened property” has the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9),
  - “cadastral map” has the meaning given by section 11(1),
  - “cadastral unit” has the meaning given by section 12,
  - “date of application” (in relation to an application for registration) has the meaning given by section 36,
  - “date of registration” has the meaning given by 37(1),
  - “deed” means a document (and includes a decree which is registrable under an enactment),
  - “designation” includes—
    - (a) where the person designated is not a natural person—
      - (i) the legal system under which the person is incorporated or otherwise established,
      - (ii) if a number has been allocated to the person under section 1066 of the Companies Act 2006 (c.46), that number, and

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- (iii) any other identifier (whether or not a number) peculiar to the person, and
  - (b) if the person designated has a right in land in a special capacity, a description of that capacity,
- “the designated day” has the meaning given by section 122,
- “enactment” includes—
- (a) an enactment comprised in, or in an instrument made under, this Act, and
  - (b) a local and personal or private Act,
- “existing title sheet” means a title sheet which is in existence immediately before the commencement of the designated day,
- “flat” has the meaning given by section 29(1) of the Tenements (Scotland) Act 2004 ([asp 11](#)),
- “flatted building” has the meaning given by section 16(4),
- “heritable creditor” means the holder of a heritable security,
- “heritable security” means—
- (a) a standard security, or
  - (b) any other right in security over heritable property provided that it is not a right in security created as a floating charge,
- “the Keeper” means the Keeper of the Registers of Scotland,
- “land” includes—
- (a) buildings and other structures,
  - (b) the seabed of the territorial sea of the United Kingdom adjacent to Scotland (including land within the ebb and flow of the tide at ordinary spring tides), and
  - (c) other land covered with water,
- “land register rules” means rules made under section 115(1),
- “lease” includes sub-lease,
- “lease title sheet” means a title sheet for a registered lease,
- “personal real burden” has the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 ([asp 9](#)),
- “plot of land” has the meaning given by section 3(4) and (5),
- “possession” includes civil possession (analogous expressions being construed accordingly),
- “proprietor” means a person who has a valid completed title as proprietor to a plot of land,
- “protected period” has the meaning given by section 58(3),
- “the register” means the Land Register of Scotland,
- “registrable deed” is to be construed in accordance with section 49,
- “sharing plot” and “shared plot” are to be construed in accordance with section 17(3),
- “tenement” has the meaning given by section 26 of the Tenements (Scotland) Act 2004 ([asp 11](#)),
- “title condition” has the meaning given by section 122(1) of the Title Conditions (Scotland) Act 2003 ([asp 9](#)),
- “title sheet record” has the meaning given by section 3(3).
- (2) A deed on which an application under section 21 is based is “valid” for the purposes of this Act if—

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- (a) by the registration applied for, a right would be acquired, varied or extinguished, or
  - (b) the deed is certificatory of an acquisition, variation or extinction which has taken place.
- (3) In relation to a lease title sheet, any reference in this Act—
- (a) to a proprietor is (except in section 66) to be read as a reference to the tenant,
  - (b) to a proprietorship section is to be construed as a reference to a tenancy section, and
  - (c) to ownership in common is to be construed as a reference to tenancy in common.
- (4) The Scottish Ministers may, by order, amend paragraph (b) of the definition of “designation” in subsection (1).
- (5) Before making such an order, the Scottish Ministers must consult the Keeper.