



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 2 **S**

REGISTRATION

Applications in relation to the same land

39 Order in which applications are to be dealt with **S**

- (1) The Keeper must deal with two or more applications for registration in relation to the same land in order of receipt.
- (2) In the absence of evidence to the contrary, the order of receipt is to be taken to be the order in which the details of the applications were entered in the application record.
- (3) Subsection (1) is subject to subsections (4) to (8).
- (4) Subsection (5) applies where—
 - (a) two applications (“application A” and “application B”) are received on the same date in relation to the same land,
 - (b) to accept one of the applications would require the Keeper to reject the other,
 - (c) the deed to which application A purports to give effect is a deed in relation to which a protected period is running, and
 - (d) the deed to which application B purports to give effect either—
 - (i) is not such a deed, or
 - (ii) is such a deed but the protected period relating to the deed to which application A purports to give effect began before the protected period relating to the deed to which application B purports to give effect.
- (5) The Keeper must deal with application A before application B.
- (6) Subsection (8) applies where—
 - (a) two applications (“application C” and “application D”) are received on the same date in relation to the same land,
 - (b) the deed to which one of them (application C) purports to give effect is a deed in favour of a person (“X”), and

Changes to legislation: Land Registration etc. (Scotland) Act 2012, Section 39 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (c) the deed to which the other (application D) purports to give effect is a deed granted by X.
- (7) Subsection (8) also applies where—
- (a) two applications (“application C” and “application D”) are received on the same date in relation to the same land,
 - (b) one application (application C) is an application under section 27, and
 - (c) the other (application D) is an application under section 21.
- (8) The Keeper must deal with application C before application D.

Commencement Information

II [S. 39](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A48B and cross-heading inserted by [2016 asp 18 s. 43\(2\)](#)
- s. 116(3)(ba)(bb) inserted by [2016 asp 18 s. 43\(3\)](#)