



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 2

REGISTRATION

Prescriptive claimants etc.

45 Notification of prescriptive applications

- (1) Before accepting an application under section 21 which is received by virtue of section 43(1), the Keeper must notify—
 - (a) the proprietor,
 - (b) if there is no proprietor (or none can be identified), any person who appears to the Keeper able to take steps to complete title as proprietor, or
 - (c) if there is no proprietor and no such person (or, in either case, none can be identified), the Crown.
- (2) The Keeper's duty to notify persons under subsection (1) only applies in so far as the Keeper considers it reasonably practicable to notify them.
- (3) Notification is to be by such means as the Keeper considers appropriate.
- (4) A person to whom notice is given under subsection (1) may object in writing to the application being accepted.
- (5) If the Keeper receives such an objection within 60 days of the notice, the Keeper must reject the application.
- (6) Land register rules may make further provision about notification under subsection (1).
- (7) The Scottish Ministers may, by order, amend subsection (5) so as to substitute for the number of days for the time being mentioned there a different number of days.
- (8) Before making such an order, the Scottish Ministers must consult the Keeper.

Changes to legislation: Land Registration etc. (Scotland) Act 2012, Section 45 is up to date with all changes known to be in force on or before 10 September 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](#)

Commencement Information

II [S. 45](#) 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\(3\)](#)