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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 85**

The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021

PART 1

Introduction

**Citation and commencement**

1. These Regulations may be cited as the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021 and come into force on 1 April 2022.

**Commencement Information**

11 [Reg. 1](#) in force at 1.4.2022, see [reg. 1](#)

**Interpretation**

2.—(1) In these Regulations, unless the context requires otherwise—

“associate” is to be construed in accordance with regulation 3,

“the Companies Acts” has the meaning given by section 2 of the Companies Act 2006<sup>(1)</sup>,

“Keeper” means the Keeper of the Registers of Scotland,

“land”—

(a) generally, has the same meaning as in section 113 of the Land Registration etc. (Scotland) Act 2012<sup>(2)</sup>, and

(b) in relation to a recorded person, means the land described in an entry in the RCI as being owned or leased by that person,

“Land Register” means the Land Register of Scotland,

“lease” includes sub-lease,

“proprietor” is to be construed in accordance with section 113 of the Land Registration etc. (Scotland) Act 2012,

“recorded person” is to be construed in accordance with regulation 3(3),

“registered number” means any unique number allocated to a non-natural person for the purposes of identifying them,

“required details” is to be construed in accordance with regulation 11,

“the RCI” has the meaning given by regulation 3(1),

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(1) 2006 c.46.

(2) 2012 asp 5.

“security declaration” means a declaration made in accordance with regulation 16, and references to a security declaration having effect are to be construed in accordance with regulation 16(12),

“specified form” has the meaning given by regulation 24,

“unique reference number” is to be construed in accordance with regulation 7.

- (2) For the purposes of these Regulations, a reference to—
- (a) control is a reference to where a person can direct the activities of another,
  - (b) dealings with the land is a reference to disposing, creating real rights over, leasing or changing the use of the land,
  - (c) significant influence is a reference to where a person is able to ensure that another person will typically adopt the approach that the person desires.
- (3) For the purposes of these Regulations, a reference to—
- (a) a person being the owner of land is a reference to a person—
    - (i) who is entered in the Land Register as the proprietor of the land, or
    - (ii) whose title to the land is recorded in the Register of Sasines,
  - (b) a person being the tenant of land is a reference to a person who is the tenant of—
    - (i) a lease registered in the property section of a lease title sheet in accordance with section 6(1)(e) of the Land Registration etc. (Scotland) Act 2012,
    - (ii) a lease entered, in accordance with section 9(1)(b) or (c) of that Act, in the burdens section of a title sheet,
    - (iii) a lease that would, but for section 18(4) or paragraph 9 of schedule 1 of that Act, be entered in the burdens section of a title sheet,
    - (iv) a lease recorded in the Register of Sasines.
- (4) For the purposes of section 39 of the Land Reform (Scotland) Act 2016, a person has a controlling interest in an owner or tenant of land if the person is an associate of the owner or tenant.

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**Commencement Information**

**12** [Reg. 2](#) in force at 1.4.2022, see [reg. 1](#)

## PART 2

### Register of persons holding a controlled interest in land

#### *Establishment and contents*

#### **Register of persons holding a controlled interest in land**

**3.—(1)** The Keeper of the Registers of Scotland must establish and maintain a public register known as the Register of Persons holding a controlled interest in land (which register is referred to in these Regulations as “the RCI”).

- (2) The RCI is a record of persons who—
- (a) are the owners or tenants of land, and

- (b) in relation to that land, are associated with a person to whom a Part of schedule 1 applies (such person being referred in these Regulations to as an “associate”).

[<sup>F1</sup>(2A) Paragraph (2) is subject to regulation 23A.]

- (3) The RCI is to contain, in relation to each person recorded in the RCI (“the recorded person”)—

- (a) the recorded person’s name, address and, if applicable, registered number,
- (b) in relation to the land owned or tenanted by the recorded person—
  - (i) if the land is registered in the Land Register, the title number of the land,
  - (ii) if the land is not registered in the Land Register, a description of the land that is sufficient for it to be identified,
- (c) details of the capacity in which the recorded person owns or tenants the land (for example as an individual, partner or trustee),
- (d) in relation to each associate of the recorded person—
  - (i) where no security declaration has effect in respect of the associate—
    - (aa) the required details, with the exception of the information required by regulation 11(2)(a)(iii),
    - (bb) the associate’s unique reference number,
  - (ii) where a security declaration has effect in respect of the associate—
    - (aa) a statement that a security declaration has been made and has effect in respect of that person,
    - (bb) where applicable, a note of an appeal under regulation 18(4)), <sup>F2</sup>...

[<sup>F3</sup>(da) if regulation 23A applies, a statement to that effect, and]

- (e) the date of any notice given to the Keeper under these Regulations in respect of the entry.

(4) The RCI is to be in such form (which may be, or be in part, an electronic form) as the Keeper considers appropriate.

- F1** Reg. 3(2A) inserted (1.4.2022) by [The Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) Amendment Regulations 2021 \(S.S.I. 2021/495\)](#), regs. 1, **2(3)(a)**
- F2** Word in reg. 3(3)(d)(ii)(bb) omitted (1.4.2022) by virtue of [The Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) Amendment Regulations 2021 \(S.S.I. 2021/495\)](#), regs. 1, **2(3)(b)(i)**
- F3** Reg. 3(3)(da) inserted (1.4.2022) by [The Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) Amendment Regulations 2021 \(S.S.I. 2021/495\)](#), regs. 1, **2(3)(b)(ii)**

**Commencement Information**

- I3** Reg. 3 in force at 1.4.2022, see [reg. 1](#)

**Making of entries in the RCI**

4.—(1) The Keeper must make an entry in the RCI, in accordance with regulation 3, following receipt of information provided under regulation 10(3) by a person to whom that regulation applies.

(2) An entry required by paragraph (1) may not be made during the period of 30 days beginning on the day on which the Keeper received the information.

**Commencement Information**

**I4** [Reg. 4](#) in force at 1.4.2022, see [reg. 1](#)

**Amendment of the RCI**

**5.—(1)** The Keeper must remove an entry for a recorded person from the RCI if the Keeper is given notice under regulation 12 to the effect that—

- (a) the person has ceased to be an owner or the tenant of the land, or
- (b) the recorded person has no associates.

(2) The Keeper must make such other amendments to entries in the RCI as are necessary in consequence of—

- (a) the Keeper being given any of the following documents—
  - (i) a notice under regulation 12 of an event affecting the RCI,
  - (ii) a security declaration,
  - (iii) a notice under regulation 17 revoking a security declaration,
  - (iv) a notice under regulation 23 of the death, winding-up or dissolution of a person,
- (b) a security declaration ceasing to have effect in accordance with regulation 16,
- (c) the Keeper otherwise becoming aware of an inaccuracy in the RCI.

(3) An entry as amended by the Keeper must comply with regulation 3.

(4) Where the Keeper becomes aware of an inaccuracy under paragraph 2(c), the Keeper may request—

- (a) the person providing any of the documents listed in paragraph 2(a)(i)-(iv), or
- (b) any other person the Keeper considers may have relevant information about the inaccuracy,

to provide the Keeper, within such period as the Keeper may specify, with such further information or documents relevant to the correction of the inaccuracy as the Keeper may specify.

(5) For the purposes of paragraph 2(c), an inaccuracy includes the omission of information which is required to be recorded by these Regulations.

**Commencement Information**

**I5** [Reg. 5](#) in force at 1.4.2022, see [reg. 1](#)

**Timing of amending an entry**

**6.** Where the Keeper is required to amend an entry in the RCI, the Keeper must do so as soon as reasonably practicable after receiving the documents or, as the case may be, the information specified in regulation 5(2) or (4).

**Commencement Information**

**I6** [Reg. 6](#) in force at 1.4.2022, see [reg. 1](#)

### Associates – unique reference numbers

7.—(1) The Keeper must allocate a unique reference number in respect of each associate whose information is to be entered on the RCI.

(2) The unique reference number must appear in each entry in the RCI in respect of that associate (whether or not the associate’s information is being entered in relation to the same recorded person).

#### Commencement Information

**I7** [Reg. 7](#) in force at 1.4.2022, see [reg. 1](#)

### Protection of the RCI

8. The Keeper must take such steps as appear reasonable to the Keeper to protect the RCI from—

- (a) interference,
- (b) unauthorised access, and
- (c) damage.

#### Commencement Information

**I8** [Reg. 8](#) in force at 1.4.2022, see [reg. 1](#)

### *Access to the RCI*

### Access to the RCI

9.—(1) The Keeper must make the information contained in the RCI available by such means as the Keeper considers appropriate.

(2) The Keeper must ensure that a person is able to search the RCI for data by reference to the following criteria—

- (a) in relation to the land, its title number, or a description that is sufficient for it to be identified,
- (b) in relation to the recorded person, the person’s name or, if applicable, registered number,
- (c) in relation to the associate, the associate’s name, registered number or unique reference number.

#### Commencement Information

**I9** [Reg. 9](#) in force at 1.4.2022, see [reg. 1](#)

## PART 3

### Duties to provide information

*Information to be provided by persons who own or tenant land subject to the control of another*

#### **Duty to notify of controlled interest and associates**

**10.**—(1) This regulation applies to a person who is a recorded person [<sup>F4</sup>(including a person who is a recorded person by virtue of regulation 23A)].

(2) This regulation does not apply to any person of a type listed in schedule 2 (list of persons subject to other transparency regimes).

(3) A person to whom this regulation applies must provide the Keeper with—

- (a) the person's name, address and, if applicable, registered number,
- (b) in relation to the land—
  - (i) if the land is registered in the Land Register, the title number of the land,
  - (ii) if the land is not registered in the Land Register, a description of the land which is sufficient for it to be identified,
- (c) details of the capacity in which the person owns or tenants the land (for example as an individual, partner or trustee), and
- [<sup>F5</sup>(ca) if the person is a recorded person by virtue of regulation 23A, a statement of the person's basis for registration under this regulation,]
- (d) in relation to each associate—
  - (i) the required details, and
  - (ii) if a security declaration has effect in respect of an associate, a copy of that declaration.

(4) For the purposes of paragraph 3(d), where an associate has more than one association with a person to whom this regulation applies in relation to the land, a person to whom this regulation applies is only required to provide the Keeper with the information mentioned in paragraph 3(d) once.

(5) Before providing any information under paragraph (3), the person must—

- (a) take reasonable steps to verify the accuracy of the associate's required details with the associate, and
- (b) inform the associate about—
  - (i) the timescales for responding (see regulation 15(2)),
  - (ii) the offences in this regulation for failure to comply,
  - (iii) the right to make a security declaration, and
  - (iv) the duty of an associate to notify the person about changes to the associate's required details.

(6) Information provided under paragraph (3) must be in a notice in the specified form.

(7) The notice must be given within the period of 60 days beginning with the day on which the associate becomes an associate of the person.

(8) A person who, without reasonable excuse, fails to comply with this regulation commits an offence.

(9) Without limiting paragraph (8), a person has a reasonable excuse in respect of a particular associate if—

- (a) the person, having taken reasonable steps to do so, is unable—
  - (i) to establish that there any associates for the person, or
  - (ii) to obtain, or verify the accuracy of, the required details of the associate, and
- (b) the person has given notice to that effect to the Keeper in the specified form.

(10) A person who commits an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- F4** Words in [reg. 10\(1\)](#) inserted (1.4.2022) by [The Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) Amendment Regulations 2021 \(S.S.I. 2021/495\)](#), regs. 1, **2(4)(a)**
- F5** [Reg. 10\(3\)\(ca\)](#) inserted (1.4.2022) by [The Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) Amendment Regulations 2021 \(S.S.I. 2021/495\)](#), regs. 1, **2(4)(b)**

#### Commencement Information

- I10** [Reg. 10](#) in force at 1.4.2022, see [reg. 1](#)

#### Required details of an associate

**11.**—(1) For the purposes of these Regulations, the “required details” of an associate are—

- (a) the information about the associate specified in paragraph (2), and
- (b) in every case—
  - (i) the date on which the associate’s association with the person who owns or tenants the land was formed, or
  - (ii) a statement that such date is not known.

(2) The information referred to in paragraph (1)(a) is—

- (a) in a case where the associate is an individual, the associate’s—
  - (i) name,
  - (ii) contact address, and
  - (iii) day, month and year of birth,
  - (iv) if applicable, any unique reference number allocated to the associate by the Keeper under regulation 7,
- (b) in a case where the associate is a non-natural person, other than a person of a type listed in schedule 2, the associate’s—
  - (i) name,
  - (ii) if applicable, registered number,
  - (iii) the address of its registered office or, where it does not have such an office, an address at which it may be contacted,
  - (iv) if applicable, any unique reference number allocated to the associate by the Keeper under regulation 7, or
- (c) in a case where the associate is a person of a type listed in schedule 2 (list of persons subject to other transparency regimes), the associate’s—
  - (i) name,

- (ii) if applicable, registered number,
- (iii) the address of its registered office or, where it does not have such an office, an address at which it may be contacted,
- (iv) if applicable, any unique reference number allocated to the associate by the Keeper under regulation 7,
- (v) the paragraph of schedule 2 that applies to the associate.

### Commencement Information

**111** Reg. 11 in force at 1.4.2022, see [reg. 1](#)

### Information about events affecting the RCI

**12.**—(1) If an event mentioned in column 1 of the following table occurs, the person mentioned in column 2 of that table for the event must give the Keeper notice, in the specified form, of—

- (a) the event, and
- (b) the information specified in column 3 in relation to the event.

<i>Event</i> <i>(Column 1)</i>	<i>Person</i> <i>(Column 2)</i>	<i>Information to be given</i> <i>(Column 3)</i>
a recorded person becoming aware that a person notified under regulation 10(3) as being an associate ceases to be an associate	the recorded person	<ul style="list-style-type: none"> <li>(a) the recorded person's name and address,</li> <li>(b) the title number of the land, or where there is no title number, a description of the land that the recorded person owns or tenants which is sufficient for it to be identified,</li> <li>(c) the former associate's required details, and</li> <li>(d) the date (if known) on which the former associate ceased to be an associate</li> </ul>
a recorded person ceasing to be a person to whom regulation 10 applies	the recorded person	<ul style="list-style-type: none"> <li>(a) the person's name and address,</li> <li>(b) the title number of the land, or where there is no title number, a description of the land that the person owns or tenants which is sufficient for it to be identified,</li> <li>(c) the date on which regulation 10 ceased to apply to the person,</li> </ul>
a recorded person becoming aware that any other	the recorded person	<ul style="list-style-type: none"> <li>(a) the recorded person's name and address,</li> </ul>



<i>Event</i>	<i>Person</i>	<i>Information to be given</i>
<i>(Column 1)</i>	<i>(Column 2)</i>	<i>(Column 3)</i>
information notified by the person under regulation 10(3) has changed		<p>(b) the title number of the land, or where there is no title number, a description of the land that the recorded person owns or tenants which is sufficient for it to be identified,</p> <p>(c) the change to the information, and</p> <p>(d) the date (if known) on which the change occurred.</p>

(2) The notice must be given—

- (a) in a case where the associate has notified the recorded person of the event, as soon as practicable after receipt of the notification, or
- (b) in any other case, within 60 days beginning with the date on which the event occurred.

(3) Before giving notice under paragraph (2) the recorded person must take reasonable steps to verify the accuracy of the information to be given in the notice with the associate.

(4) A person who is subject to a duty under this regulation commits an offence if the person, without reasonable excuse, fails to comply with this regulation.

(5) Without limiting paragraph (4), a recorded person has a reasonable excuse in respect of a particular associate if—

- (a) the recorded person, having taken reasonable steps to do so, is unable to verify the accuracy of the information to be given in the notice, and
- (b) the recorded person has given notice to that effect to the Keeper in the specified form.

(6) A person who commits an offence under paragraph (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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#### **Commencement Information**

**I12** [Reg. 12](#) in force at 1.4.2022, see [reg. 1](#)

#### **Notification of associates about registration**

**13.**—(1) This regulation applies if a person gives the Keeper a notice about an associate under regulation 10(3).

[<sup>F6</sup>(1A) But this regulation does not apply if there are no associates other than associates to whom regulation 23A applies.]

(2) The person must give notice of that fact to the associate in the specified form.

(3) The notice must be given within the period of 7 days beginning on the day on which the notice was given under regulation 10(3).

(4) For the purpose of this regulation, the form of notice specified by the Keeper under regulation 24(3) must—

- (a) require the date that the notice under regulation 10(3) was given to be specified, and

- (b) inform the associate about the effect of the following provisions—
- (i) regulation 15(3) and (5) (the duty of associates to provide information upon request),
  - (ii) regulation 16 (the right to make a security declaration).

(5) A person who, without reasonable excuse, fails to comply with this regulation commits an offence.

(6) A person who commits an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**F6** [Reg. 13\(1A\)](#) inserted (1.4.2022) by [The Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) Amendment Regulations 2021 \(S.S.I. 2021/495\)](#), regs. 1, **2(5)**

**Commencement Information**

**I13** [Reg. 13](#) in force at 1.4.2022, see [reg. 1](#)

*Information associates must provide*

**Associate’s duty to notify of association**

**14.**—(1) This regulation applies if—(1)

- (a) a person (“A”) knows, or reasonably ought to know, that A is an associate of a person (“B”) who owns or tenants land, and
- (b) A has not received a notice under regulation 13 within 67 days of becoming such an associate.

(2) A must, as soon as reasonably practicable, give notice to B of—

- (a) the fact that A is an associate of B in respect of the land, and
- (b) A’s required details as an associate.

(3) A person who, without reasonable excuse, fails to comply with paragraph (2) commits an offence.

(4) A person who commits an offence under paragraph (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Commencement Information**

**I14** [Reg. 14](#) in force at 1.4.2022, see [reg. 1](#)

**Duty of associate to provide information upon request**

**15.**—(1) Paragraph (2) applies if a person (“A”) receives a request for verification of A’s required details from a person under regulation 10(5).

(2) A must, as soon as reasonably practicable—

- (a) confirm that A is an associate and—
  - (i) indicate whether the details are correct (and if not, provide the correct details),
  - (ii) if applicable, state that A intends to make or has made a security declaration, or
- (b) inform the person who made the request that A is not an associate.

(3) Paragraph (4) applies if—

- (a) either of the following changes occurs—
    - (i) a change to the required details of an associate of a recorded person,
    - (ii) a person ceases to be an associate of a recorded person, and
  - (b) the change has not been reflected in the RCI or the associate has made a security declaration which remains in effect.
- (4) The associate or, as the case may be, the former associate must, as soon as reasonably practicable, give notice to the recorded person of the change and the date of the change (if known).
- (5) Paragraph (6) applies if a person (“A”) receives a request for verification of the accuracy of information under regulation 12(3).
- (6) A must indicate whether the information is correct (and if not, provide the correct information).
- (7) A person who, without reasonable excuse, fails to comply with paragraph (2), (4) or (6) commits an offence.
- (8) A person who commits an offence under paragraph (7) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Commencement Information**

**I15** Reg. 15 in force at 1.4.2022, see [reg. 1](#)

*Security declaration*

**Security declaration**

**16.**—(1) An associate who is an individual may, at any time, make a declaration that the inclusion in the RCI of one or more of the associate’s required details would put the associate or an individual connected with the associate at risk of violence, abuse, threat of violence or abuse, or intimidation (a “security declaration”).

- (2) A security declaration must—
  - (a) be accompanied by suitable evidence to support the making of the declaration or state that the associate is taking reasonable steps to obtain such evidence,
  - (b) include the required details of the associate,
  - (c) state the date on which the security declaration is made,
  - (d) be signed by the associate, and
  - (e) be given to the Keeper.
- (3) An associate must also send a copy of the security declaration to the recorded person.

[<sup>F7</sup>(3A) Where the person making the security declaration is doing so in terms of regulation 23A as a recorded person, the security declaration must—

- (a) be sent to—
  - (i) any other recorded person, and
  - (ii) any other person who would be required to register as a recorded person within the provisions of regulation 23A, and
- (b) include, in addition to the requirements of regulation 16(2)—

- (i) a statement that the declaration is being made by a person to whom regulation 23A applies, and
  - (ii) details of the land, in respect of which the person is a recorded person under regulation 23A, to which the security declaration will apply.]
- (4) For the purpose of paragraph (2)(a), suitable evidence is—
- (a) evidence that meets the requirements for evidence in paragraph 1 or 2 of schedule 3, or
  - (b) where such evidence is not reasonably obtainable, such other evidence as the Keeper considers appropriate in the circumstances.
- (5) Where a declaration is not accompanied by evidence, the evidence must be produced within the period of 60 days beginning with the date on which the security declaration was made.
- (6) If the associate does not produce the evidence, the security declaration ceases to have effect at the end of that period.
- (7) The Keeper must decide, on the basis of the evidence produced, whether or not it was reasonable for the security declaration to have been made.
- (8) For the purposes of making a decision under paragraph (7), the Keeper may request—
- (a) the associate, or
  - (b) any other person who the Keeper considers may have information or documents relevant to the making of the decision,
- to provide the Keeper, within such period as the Keeper may specify, with such further information or documents relevant to the making of the decision as the Keeper may specify.
- (9) The Keeper must notify the associate, and any recorded person of the associate, of the Keeper's decision as soon as reasonably practicable after making the decision.
- (10) A notification under paragraph (9) must—
- (a) set out the Keeper's decision,
  - (b) include the reasons for the decision, and
  - (c) if the decision is that it was not reasonable for the security declaration to have been made, include information about—
    - (i) the effect of paragraph (11),
    - (ii) the right of appeal under regulation 18.
- (11) Where the Keeper decides that it was not reasonable for the security declaration to have been made, the declaration ceases to have effect—
- (a) at the end of the period of 30 days beginning with the date on which notification under paragraph (10) was given, or
  - (b) if the associate appeals against the decision and the decision is upheld, at the end of the period of 30 days beginning on the date on which the appeal was finally determined.
- (12) A security declaration has effect during the period—
- (a) beginning with the day on which the declaration is received by the Keeper, and
  - (b) ending on the day on which the declaration—
    - (i) is revoked under regulation 17, or
    - (ii) ceases to have effect in accordance with paragraph (6) or (11).

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**F7** [Reg. 16\(3A\)](#) inserted (1.4.2022) by [The Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) Amendment Regulations 2021 \(S.S.I. 2021/495\)](#), regs. 1, **2(6)**

#### Commencement Information

**I16** Reg. 16 in force at 1.4.2022, see [reg. 1](#)

#### Revocation of security declarations

**17.**—(1) An associate who has made a security declaration may revoke it at any time.

(2) An associate who has made a security declaration must revoke it as soon as reasonably practicable if—

- (a) the declaration made in accordance with regulation 16(1) is no longer valid, or
- (b) the associate is unable to obtain, or ceases to have, evidence of a kind referred to in regulation 16(2)(a) to support the grounds for making the declaration.

(3) A security declaration is revoked by giving notice to the Keeper in the specified form.

(4) The revocation has effect on the day on which the notice is received by the Keeper.

(5) A person commits an offence if the person, without reasonable excuse, fails to comply with paragraph (2).

(6) A person who commits an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Commencement Information

**I17** Reg. 17 in force at 1.4.2022, see [reg. 1](#)

#### Appeals against decisions about security declarations

**18.**—(1) An associate may appeal to the Lands Tribunal for Scotland, on a question of fact or on a point of law, against a decision made under regulation 16(7).

(2) The appeal must—

- (a) be lodged within the period of 30 days beginning on the date on which the notice under regulation 16(9) was received, and
- (b) state the grounds on which it is being made.

(3) The associate must, within the period of 7 days beginning on the date on which the appeal is made, give the Keeper a copy of the grounds of appeal.

(4) On receipt of the grounds of appeal, the Keeper must amend the RCI to enter a note of the appeal wherever the security declaration is recorded in the RCI.

(5) The Keeper must remove the note when the appeal is finally determined.

(6) The Keeper must give effect to the Lands Tribunal for Scotland's determination of an appeal under this regulation.

#### Commencement Information

**I18** Reg. 18 in force at 1.4.2022, see [reg. 1](#)

## PART 4

### Miscellaneous

#### *Referrals*

#### **Referrals**

- 19.**—(1) A person may refer to the Lands Tribunal for Scotland a question relating to—
- (a) the accuracy of the RCI (including where there may be inaccuracy due to the omission of information which is required to be recorded by these Regulations), or
  - (b) what is needed to rectify an inaccuracy in the RCI.
- (2) The person making the referral must, at the same time as making it, give notice to—
- (a) in a case where the alleged inaccuracy relates to an entry in the RCI—
    - (i) the recorded person, and
    - (ii) each associate of the recorded person, so far as known to the person making the referral,
  - (b) in a case where the alleged inaccuracy relates to the omission of information—
    - (i) the recorded person or, as the case may be, the owner or tenant of the land,
    - (ii) each associate of the recorded person (if any), so far as known to the person making the referral,
    - (iii) any person who is alleged to be an associate of the recorded person or, as the case may be, the owner or tenant of the land, and
  - (c) in every case, the Keeper,
- except where that would involve the person giving notice to themselves.
- (3) The Lands Tribunal for Scotland must, on determining the question, give notice to—
- (a) the person who made the referral,
  - (b) the Keeper, and
  - (c) any other person appearing to the Lands Tribunal for Scotland to have an interest.
- (4) This regulation is without prejudice to any other right of recourse, whether under an enactment or under a rule of law.

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#### **Commencement Information**

**I19** Reg. 19 in force at 1.4.2022, see [reg. 1](#)

#### *Offences*

#### **Offence of giving false or misleading information**

- 20.**—(1) A person commits an offence if the person—
- (a) makes a materially false or misleading statement—
    - (i) in any of the documents listed in paragraph (4),
    - (ii) in a response to a request to verify the accuracy of any information in such a document, or

- (iii) in a response to a request made by the Keeper under regulation 23(2) or (5), and
  - (b) knows, or is reckless as to whether, the statement is false or misleading.
- (2) A person commits an offence if the person—
- (a) intentionally fails to disclose material information—
    - (i) required in any of the documents listed in paragraph (4), or
    - (ii) in a response to a request made by the Keeper under regulation 23(2) or (5), or
  - (b) is reckless as to whether all material information is so disclosed.
- (3) A person who commits an offence under paragraph (1) or (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The documents are—
- (a) a notice to the Keeper under regulation 10 or 12,
  - (b) a notice to an associate under regulation 13,
  - (c) a notice to a recorded person under regulation 14,
  - (d) a security declaration,
  - (e) a notice revoking a security declaration,
  - (f) a response to a request of the Keeper under regulation 16(8),
  - (g) a notice to the Keeper under regulation 23(1) or (4).

#### Commencement Information

**I20** [Reg. 20](#) in force at 1.4.2022, see [reg. 1](#)

#### Defence to false or misleading information offences

**21.**—(1) Regulation 20(1) or (2) does not apply if the person (the “accused”) took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

- (2) The defence described in paragraph (1) is established if the accused—
- (a) acted in reliance on information supplied by another person, and
  - (b) did not know and had no reason to suppose that—
    - (i) for an offence under regulation 20(1), the information was false or misleading, or
    - (ii) for an offence under regulation 20(2), all material information had not been disclosed.
- (3) Paragraph (2) does not limit paragraph (1).
- (4) An accused may not rely on paragraph (2)(a) unless—
- (a) the accused serves on the prosecutor a notice giving such information identifying or assisting in the identification of the person referred to in that paragraph as is in the accused’s possession,
  - (b) the notice is served—
    - (i) where an intermediate diet is held, at or before that diet, or
    - (ii) where no such diet is held, at least 10 days before the trial diet, and
  - (c) the court grants leave to do so.
- (5) Paragraph (4) does not apply if—

- (a) the accused lodges a defence statement under section 125 of the Criminal Justice and Licensing (Scotland) Act 2010(3) in accordance with the time limits mentioned in paragraph (4)(b), and
- (b) the accused's defence involves an allegation that the commission of the offence was due to reliance on information supplied by another person.

#### Commencement Information

**I21** [Reg. 21](#) in force at 1.4.2022, see [reg. 1](#)

### Individual culpability where organisation commits offence

**22.**—(1) This regulation applies if—

- (a) an offence under these Regulations is committed by an organisation of a type specified in column 1 of the table in paragraph (3), and
- (b) the commission of the offence—
  - (i) involves consent or connivance on the part of an individual holding a position in the organisation that is specified in column 2 of that table for that type of organisation or purports to act in that capacity, or
  - (ii) is attributable to neglect on the part of such an individual.

(2) The individual referred to in paragraph (b) (as well as the organisation) commits the offence and is liable to the same penalty as any other individual committing the offence.

(3) The table is as follows—

<i>Organisation</i> <i>(Column 1)</i>	<i>Individual</i> <i>(Column 2)</i>
company as mentioned in section 1 of the Companies Act 2006	director, manager, secretary or other similar officer member, where the company's affairs are managed by its members
limited liability partnership	member
other partnership	partner
any other body or association	individual who is concerned in the management or control of its affairs.

#### Commencement Information

**I22** [Reg. 22](#) in force at 1.4.2022, see [reg. 1](#)



*Other*

**Notification of Keeper on event of death, winding up or dissolution**

**23.**—(1) In the event of the death of an individual who is a recorded person, the executor of the individual must, as soon as reasonably practicable—

- (a) notify the Keeper of the individual’s death, and
- (b) provide the Keeper with the information mentioned in the second entry of column 3 of the table in regulation 12.

(2) Where paragraph (1) applies, the executor must also provide such further information in relation to the individual or the land as the Keeper may reasonably request.

(3) In the event of the death of an individual who is an associate, the executor of the individual must, as soon as reasonably practicable, notify the recorded person of the individual’s death.

(4) In the event of the winding-up or dissolution of a non-natural person (“the entity”) who is a recorded person, the person responsible for dealing with the assets or liabilities of the entity must, as soon as reasonably practicable,

- (a) notify the Keeper of the winding-up or dissolution, and
- (b) provide the Keeper with the information mentioned in the second entry of column 3 of the table in regulation 12.

(5) Where paragraph (4) applies, the person must also provide such further information in relation to the entity or the land as the Keeper may reasonably request.

(6) In the event of the winding up or dissolution of a non-natural person (“the entity”) who is an associate, the person responsible for dealing with the assets or liabilities of the entity must, as soon as reasonably practicable, notify the recorded person of the winding up or dissolution.

**Commencement Information**

**I23** [Reg. 23](#) in force at 1.4.2022, see [reg. 1](#)

**[<sup>F8</sup>Provision where titles refer to former owner or tenant: trusts and unincorporated associations**

**23A.**—(1) This regulation applies where—

- (a) land is owned or tenanted by a person as (as the case may be)—
  - (i) a trustee of, or otherwise on behalf of, a trust, or
  - (ii) a trustee of, or otherwise on behalf of, the members of an unincorporated body of persons,
- (b) the person who is registered or recorded as being the owner or tenant (as such trustee or, as the case may be, person holding on behalf of the members of an unincorporated body) has ceased to be a trustee or person holding on behalf of the members of an unincorporated body (for whatever reason), and
- (c) no other trustee or person holding otherwise on behalf of the trust or, as the case may be, unincorporated body is registered or recorded as being the owner or tenant of the land.

(2) Where this regulation applies—

- (a) for the purpose of regulation 3(2)(a), each trustee, or person who holds otherwise on behalf of, the trust or, as the case may be, unincorporated body is to be treated as an owner or tenant of land,

- (b) regulation 5(1)(b) does not apply if the reason for there being no associates of the recorded person is the application of this regulation,
  - (c) the provisions of regulations 16, 17 and 18 are to apply to the person’s registration as a recorded person as they apply to the person’s registration as an associate.
- (3) Where a person is a recorded person by virtue of this regulation (and not by virtue of being the owner or tenant of land within the meaning of regulation 2), the provisions applicable to that person as an associate will continue to apply, notwithstanding that the person is also recorded as a recorded person.
- (4) Where there is a duty under regulation 12 to notify the Keeper of an event mentioned in column 1 of the table, a person who is registered as a recorded person under the provisions of this regulation will comply with their duty if one form is submitted to cover the person ceasing to be both a recorded person and an associate.]

**F8** [Reg. 23A](#) inserted (1.4.2022) by [The Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) Amendment Regulations 2021 \(S.S.I. 2021/495\)](#), regs. 1, **2(2)**

**Commencement Information**

**I24** [Reg. 23A](#) in force at 1.4.2022, see [reg. 1](#)

**Specified forms**

**24.**—(1) This regulation applies if these Regulations require or authorise something to be in the specified form.

- (2) To be in the “specified form”, the thing must—
  - (a) be in a form specified by the Keeper for the purposes of the provision in which the expression occurs,
  - (b) be given in accordance with any requirements specified by the Keeper for the purpose.
- (3) The Keeper may specify a form for the purposes of paragraph (2)(a).
- (4) A form of notice specified by the Keeper under paragraph (3) may provide for—
  - (a) a single form to be used to give notice by more than one person, or
  - (b) a single form to be used by a person to give notice relating to more than one other person or event.

(5) The Keeper must publish each form specified under paragraph (3) in such manner as the Keeper considers appropriate.

**Commencement Information**

**I25** [Reg. 24](#) in force at 1.4.2022, see [reg. 1](#)

**Provision of information by the Keeper to Scottish Ministers**

**25.** The Keeper must provide to the Scottish Ministers any information that Scottish Ministers may require for the purposes of monitoring the operation and effectiveness of the RCI.

**Commencement Information**

**I26** [Reg. 25](#) in force at 1.4.2022, see [reg. 1](#)

## PART 5

### Application and transitional provisions

#### Application of these Regulations

**26.**—(1) Subject to this regulation, these Regulations apply in relation to—

(a) a person (“RP”) who—

(i) owns or tenants land,

(ii) is not a person of a type listed in schedule 2, and

(iii) in relation to that land, is associated with a person to whom a Part of schedule 1 applies,

whether RP became such an owner or tenant, or the association with the person to whom a Part of schedule 1 applies was formed, before or after the commencement of these Regulations, and

(b) a person who is an associate of RP, whether the association was formed before or after the commencement of these Regulations.

(2) During the transitional period, the following regulations do not have effect—

(a) regulation 10(8) (offence of failing to comply with duty to notify of controlled interest and association etc.),

(b) regulation 12(4) (offence of failing to comply with duty to notify events),

(c) regulation 13(5) (offence of failing to notify associate about recording of details),

(d) regulation 14(3) (offence of associate failing to notify of association),

(e) regulation 15(7) (offence of person failing to provide information on request),

(f) regulation 17(5) (offence of failing to comply with duties relating to security declarations),

(g) regulation 20(1) and (2) (offences for providing false or misleading information or failing to disclose information that should be provided),

(h) regulation 22 (offence by an organisation).

(3) During the transitional period, a referral to the Lands Tribunal for Scotland under regulation 19 may be made in respect of entries which are in the RCI only (and not in respect of any omission to include an entry in the RCI).

(4) For the purposes of this regulation, the “transitional period” is the period—

(a) beginning on 1 April 2022, and

[<sup>F9</sup>(b) ending on 1 April 2024.]

**F9** Reg. 26(4)(b) substituted (1.4.2023) by *The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Amendment Regulations 2023* (S.S.I. 2023/104), regs. 1, 2(2)

#### Commencement Information

**I27** Reg. 26 in force at 1.4.2022, see **reg. 1**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021. (See end of Document for details)*

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St Andrew's House,  
Edinburgh

*ROSEANNA CUNNINGHAM*  
A member of the Scottish Government

**Changes to legislation:**

There are currently no known outstanding effects for the The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021.