

Draft Order laid before the Scottish Parliament under sections 116(4)(b) of the Land Registration etc. (Scotland) Act 2012, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

LAND REGISTRATION

**The Land Registration etc. (Scotland)
Act 2012 (Amendment) Order 2017**

Made - - - - *December 2017*
Coming into force - - *1st January 2018*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 45(7), 116(1) and 117 of the Land Registration etc. (Scotland) Act 2012⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 45(8) of that Act, they have consulted the Keeper of the Registers of Scotland.

In accordance with section 116(4)(b) of the Act, a draft of the Order has been laid before and approved by resolution of the Scottish Parliament⁽²⁾.

Citation and commencement

1. This Order may be cited as the Land Registration etc. (Scotland) Act 2012 (Amendment) Order 2017 and comes into force on 1st January 2018.

Prescriptive claimants – notification by Keeper of the Registers of Scotland

2. In section 45(5) of the Land Registration etc. (Scotland) Act 2012 (notification of prescriptive applications), for “within 60 days of the notice” substitute—

- “(a) in a case where the person, before the notice was given, informed the Keeper in writing that the person did not object to the application, within 7 days of the notice,
- (b) in any other case, within 60 days of the notice.”

(1) 2012 asp 5, amended by S.S.I. 2015/265, S.I. 2013/1575, the Co-operative and Community Benefit Societies Act 2014 (c.14), section 151(4) and schedule 7, paragraph 1, S.S.I. 2014/190 and S.S.I. 2014/346.

(2) The powers in this Order are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). This Order is subject to the affirmative procedure by virtue of section 33(3) of that Act.

Registration of deeds where title number unavailable

3. In section 26 of the Land Registration etc. (Scotland) Act 2012 (conditions of registration: deeds relating to registered plots), after subsection (2) insert—

“(2A) Subsection (1)(c) does not require the narration of the title number of the title sheet to which the deed relates if the title number had not been—

- (a) notified by the Keeper to a granter of the deed, or
- (b) publicised in the register,

by the date on which the deed was subscribed or authenticated under the 1995 Act by that granter.”.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes two changes to the rules for registration of title to land in the Land Register of Scotland in the Land Registration etc. (Scotland) Act 2012, from 1st January 2018.

Regulation 2 amends the rules for notification by prescriptive claimants (the term introduced by section 43 of that Act for registration of *a non domino* dispositions). Section 45(5) of the Act is amended so there is no need to wait 60 days after the Keeper of the Registers of Scotland notifies such a person who has already told the Keeper they do not object. The person is given 7 days to change their mind.

Regulation 3 uses the ancillary power in the Act to create a minor exception from the requirement in the registration of a deed that it narrates the title number of each title sheet to which it relates where the title number could not have been known to the granter. This can in particular occur where the deed is an extract of a deed recorded in the Books of Council and Session (e.g. for variations and assignations of leases).

No business and regulatory impact assessment has been prepared for this Order, as it has no impact on the cost of business.