
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

The Registers of Scotland (Digital
Registration, etc.) Regulations 2017

PART 3

Registration in the Land Register

Digital registration system - authorisation of deeds and persons

- 5.—(1) The Automated Registration Regulations are amended as follows.
- (2) In regulation 1(2) (interpretation)—
- (a) omit the definition of “ARTL system”;
 - (b) in the definition of “authorised person” for “ARTL” substitute “digital registration”;
 - (c) in the definition of “ARTL document” for “ARTL” both times it occurs substitute “digital registration”;
 - (d) after the definition of “digital registration document” (so substituted) insert—
““digital registration system” means a computer system managed and controlled by the Keeper in accordance with section 99(1) of the Land Registration etc. (Scotland) Act 2012;”;
 - (e) omit the definition of “local registration authority”; and
 - (f) in the definition of “user”, for “a local registration authority to use the ARTL system” substitute “an authorised person to use the digital registration system on behalf of that person”.
- (3) In the title to regulation 2 (deeds to be used in the ARTL system) for “ARTL” substitute “digital registration”.
- (4) In regulation 2(1) for “an ARTL document” substitute “a digital registration document”.
- (5) After regulation 2(2) insert—
- “(3) The deeds mentioned in paragraph (2) relating to part of a registered plot of land or any other kinds of deeds are authorised to be created as a digital registration document where their use in the digital registration system has been published on the Keeper’s website.
 - (4) Before publishing such deeds or kinds of deed for use, the Keeper must—
 - (a) consult the Scottish Ministers about that authorisation; and
 - (b) state the date on which that authorisation comes into effect.”.
- (6) In the title to regulation 3 (authorisation to use the ARTL system) for “ARTL” substitute “digital registration”.
- (7) In regulation 3(1), for “ARTL” substitute “digital registration”.
- (8) In regulation 4 (duties of persons authorised to use the ARTL system)—
- (a) omit paragraphs (1) and (2);

- (b) in paragraph (3)—
 - (i) for “ARTL”, both times it occurs, substitute “digital registration”; and
 - (ii) omit “, local registration authority”; and
 - (c) in paragraph (4)—
 - (i) omit “, local registration authority”;
 - (ii) for “ARTL” substitute “digital registration”; and
 - (iii) at the end, insert “(including terms and conditions as to the insolvency or inactivity of any person or user)”; and
 - (d) in paragraph (5) for “a local registration authority” substitute “an authorised person”.
- (9) In regulation 5 (suspension or revocation of authorisation)—
- (a) in paragraph (2)(a)—
 - (i) omit “a condition of”; and
 - (ii) at the end, insert “or a material breach of terms and conditions imposed under regulation 4”;
 - (b) in paragraph (2)(b) omit “or local registration authority”; and
 - (c) at the beginning of paragraph (3)(b) insert “in the case of any current digital certificate issued by the Keeper,”.
- (10) Regulation 7 (application procedure for registering authorised deed) is revoked.
- (11) In schedule 1 (appeals), after paragraph 1, insert—
- 1A.** Where the notice of the appeal of a suspension or revocation of an authorisation so requests, the Scottish Ministers may determine whether to reinstate the authorisation pending determination of the appeal.”.
- (12) Schedule 2 (ARTL document application form) is revoked.

Procedure and form for registration in the Land Register

- 6.—(1) The Land Register Rules are amended as follows.
- (2) For regulation 7 (form to apply for registration in the Land Register)(1) substitute—

“Procedure and form to apply for registration in the Land Register

7.—(1) From a date notified by the Keeper in accordance with paragraph (5), an application for registration of—

- (a) a kind of deed under section 21 of the Act; or
- (b) an unregistered plot under section 27 of the Act,

must be sent to the Keeper in accordance with paragraphs (2) and (3).

(2) The application must be sent in electronic form using a computer system under section 99 of the Act unless—

- (a) the computer system notifies the applicant who attempts to use it that it is unavailable for a period of 48 hours or longer;
- (b) the applicant has no computer facilities with access to the internet; or
- (c) the Keeper is otherwise satisfied that exceptional circumstances make it impractical to do so.

(1) Regulation 7 was amended by regulation 8 of [S.S.I. 2014/347](#).

- (3) In particular, paragraph (2)(c) is met—
 - (a) if the applicant is a natural person who granted the deed, or to whom the deed is granted; and
 - (b) the application is not made by a person who, in connection with the grant, acts as a solicitor or other legal adviser to the person.
 - (4) Where an application under paragraph (1)(a) must be sent in electronic form, the deed must be an electronic document within the meaning given by the Requirements of Writing (Scotland) Act 1995(2).
 - (5) Such a notification by the Keeper must state the date on which it comes into effect, which date may not be earlier than 6 months after the date of its publication on the Keeper’s website.
 - (6) Before making such a notification, the Keeper must consult the Scottish Ministers.”.
- (3) Part 4 of schedule 1 (form of application for registration) is revoked.

Amending registration applications relating to an unregistered plot

7. After regulation 13 of the Land Register Rules (amendments etc. of application), insert—

“Amendments of applications relating to an unregistered plot

13A. Where—

- (a) an application for registration of a deed which is an electronic document which relates to an unregistered plot is received by the Keeper; and
- (b) within a period of 14 days from receipt of the application the Keeper receives prior deeds necessary to allow the Keeper to comply, in respect of the application, with the Keeper’s duties under Part 1 of the Act,

the Keeper must consent to amendment of the application in order to include those deeds.”.

Prescriptive claimants – notification by claimant

8. At the end of regulation 18 of the Land Register Rules (notification by prescriptive claimants), insert—

“(3) The applicant may submit the application within the 60 days mentioned in paragraph (1) in respect of a person mentioned in section 43(4) of the Act, if that person states in writing that the person does not object and that statement accompanies the application.”.

(2) Part 3 of the 1995 Act was added by Land Registration etc. (Scotland) Act 2012 (asp 5).