
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

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

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.
- (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
 - (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.