

EXECUTIVE NOTE

THE LAND REGISTRATION (SCOTLAND) RULES 2006 (SSI/2006/485)

The above instrument was made under powers conferred by section 27(1) of the Land Registration (Scotland) Act 1979 (the 1979 Act). The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is to consolidate the existing Land Registration (Scotland) Rules 1980 with various modifications. The Rules regulate the making up and keeping of the Land Register of Scotland and the procedures applying to applications for registration. They also prescribe a number of statutory forms used in connection with registration. The changes include provision in respect of electronic registration applications made through the Automated Registration of Title to Land (ARTL) system. Changes are also made to application procedures and forms which will increase efficiency in the handling of paper registration applications.

The changes are to procedures and to existing forms as opposed to introduction of new policy or a new form of regulation.

Consultation

A consultation on the draft Rules took place between 30 June and 1 September 2006. The consultation was published online and the following bodies were also directly consulted:

Citizens Advice Scotland
COSLA
Council of Mortgage Lenders
HM Revenue and Customs (Stamp Taxes)
Law Society of Scotland ARTL Implementation Group
Law Society of Scotland Conveyancing Committee
Legal Software Suppliers Association
Scottish Consumer Council
Scottish Law Agents Society
Society for Computers and the Law
Society of Local Authority Lawyers and Administrators in Scotland
Society of Scottish Searchers
Society of Solicitors in the Supreme Courts
Society of Writers to Her Majesty's Signet.

The consultation process resulted in a total of 6 responses being received. These may be viewed on the Registers of Scotland website (<http://www.ros.gov.uk/solicitor/rulesconsultation>). No substantive changes have been

made to the Rules as a result of the consultation. Where comments were made relating to individual Rules, Registers of Scotland corresponded or met with respondents in order to set out the underpinning reasoning and to explain how the Rules will operate in practice.

The Lord President of the Court of Session was also consulted in accordance with section 27(1) of the 1979 Act and he has indicated that he is content with the Rules.

Financial Effects

A Regulatory Impact Assessment has not been prepared as this instrument has no financial effect on the Scottish Executive, local government or on business.

Registers of Scotland Executive Agency
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