

SCHEDULE 2

REGISTRATION USING ARTL SYSTEM

PART B

ARTL QUESTIONS

1. Where the electronic document inducing registration is a disposition or assignation of lease—
 - (a) Is there any person in possession or occupation of the subjects or any part of them adversely to the interest of the applicant? YES/NO
 - (b) If the subjects were acquired by the applicant under any statutory provision, does the statutory provision restrict the applicant's power of disposal of the subjects? YES/NO
2. Is any party to the electronic document inducing registration a company registered under the Companies Acts? YES/NO
(If YES)
 - (a) Has a receiver, administrator or liquidator been appointed, or has any resolution been passed or court order made for the winding up of the company or petition presented for its liquidation? YES/NO
 - (b) Is it a charity as defined in section 112 of the Companies Act 1989? YES/NO
 - (c) Is the transaction to which the electronic document gives effect one to which section 322A of the Companies Act 1985 applies? YES/NO
3. Is any party to the electronic document inducing registration a corporate body other than a company registered under the Companies Acts YES/NO
(If YES) is it acting *intra vires*? YES/NO
4. Where the electronic document inducing registration is a disposition or assignation of lease—
 - (a) Could the subjects be a matrimonial home within the meaning of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 or a family home within the meaning of the Civil Partnership Act 2004? YES/NO
 - (b) (If YES) Do the necessary consents, renunciations, affidavits or written declarations exist confirming that the subjects will not be affected by any subsisting occupancy right of—
 - (i) any spouse of the current registered proprietor, and of any other party (excluding the applicant) who has subsequently been entitled to the interest in land, in terms of section 6 of the 1981 Act? YES/NO
 - (ii) any civil partner of the current registered proprietor, and any other party (excluding the applicant) who has subsequently been entitled to the interest in land, in terms of section 106 of the 2004 Act? YES/NO
5. Where the electronic document inducing registration is a disposition, assignation of lease, standard security or discharge or assignation of standard security—
 - (a) Has a Land Register Report been obtained which includes certification of a search in the Register of Inhibitions and Adjudications (“ROI”) against—
 1. the grantor of the deed; and
 2. any party whose right has vested in the grantor by virtue of any unregistered mid-couple or link? YES/NO
 - (i) (If YES) to what date was that search made?

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(ii) (If 5(a)(i) was answered NO) has a search been carried out against the aforesaid grantor/other party in the ROI? YES/NO

(if YES) to what date was that search made?

(b) Does the Land Register Report or the search in the ROI disclose any subsisting entries in the ROI pertaining to the grantor/other party aforesaid which are adverse to the interest in land? YES/NO

6. Where the electronic document is a disposition, assignation of lease or assignation of standard security Is the electronic document inducing registration in implement of a power of sale under a heritable security? YES/NO

(if YES) Have the statutory procedures necessary for the proper exercise of such power been complied with? YES/NO

7. Where the electronic document is a disposition or assignation of lease Is the electronic document inducing registration pursuant on a Compulsory Purchase Order? YES/NO

(if YES) Have the necessary statutory procedures been complied with? YES/NO

8. Is any party to the electronic document inducing registration subject to any legal incapacity or disability? YES/NO

9. Has each granter of the electronic document inducing registration authorised that it be authenticated on their behalf? YES/NO

10. Where any granter of the electronic document is, or appears to be a different person from the party appearing from the Register entitled to grant the document–

(a) Is [name entered in ARTL] the same person as [name as appearing in Title Sheet]? YES/NO

(if NO) (b) Does [name entered in ARTL] have right to the interest in land by virtue of the operation of a special destination? YES/NO

(if NO) (c) Is [name entered in ARTL] vested in the interest of [name appearing in Title Sheet] by *ex facie* valid midcouple(s)? YES/NO

(if NO) (d) Does [name entered in ARTL] have right to sell the subjects in terms of a power of sale under a heritable security? YES/NO

11. Are there any facts and circumstances material to the right or title of the applicant which have not already been disclosed in this application? YES/NO