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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 150**

**The Land Register Rules etc. (Scotland) Regulations 2014**

**PART 1**

Introductory

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Land Register Rules etc. (Scotland) Regulations 2014 and come into force on 8th December 2014.

(2) In these Regulations—

“the Act” means the Land Registration etc. (Scotland) Act 2012; and

“plot of land comprising seabed” means a plot of land entirely covered by water that lies within the territorial sea of the United Kingdom adjacent to Scotland.

**PART 2**

Advance notices

**Forms to apply for, or to discharge, an advance notice**

2. An application for—

(a) an advance notice under section 57(1) of the Act must be made—

(i) in respect of the whole of a registered plot, using the Form set out in Part 1 of Schedule 1;

(ii) in respect of part of a registered plot, using the Form set out in Part 2 of Schedule 1;

(b) discharge of an advance notice under section 63(1) of the Act must be made using the Form set out in Part 3 of Schedule 1.

**Procedure for application for an advance notice**

3.—(1) An application for an advance notice relating to the whole of a registered plot or discharge of an advance notice must be sent to the Keeper electronically using a computer system for advance notices under the management and control of the Keeper, 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; or

(b) the applicant—

(i) has no computer facilities with access to the internet; or

(ii) is the grantor of the deed.

(2) Only a person authorised by the Keeper may use that computer system.

(3) An application for an advance notice relating to part of a registered plot must be completed electronically using that computer system before being printed on paper, signed by the applicant and sent to the Keeper on paper, 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; or
- (b) the applicant—
  - (i) has no computer facilities with access to the internet; or
  - (ii) is the grantor of the deed.

#### **Description of an unregistered plot or unregistered lease in an advance notice**

4.—(1) An advance notice by virtue of section 56(1)(e) of the Act must contain a description of the subjects of the lease or plot of land sufficient to enable the Keeper to identify those subjects or that plot.

(2) The description mentioned in paragraph (1) must identify the subjects of the lease or plot of land by reference to the—

- (a) description in a deed recorded in the Register of Sasines; and
- (b) postal address (if any).

(3) Where the subjects of the lease or plot of land form part only of the subjects described in a deed recorded in the Register of Sasines, the description mentioned in paragraph (2) must be accompanied by a plan of that part which satisfies the Keeper that the Keeper can delineate its boundaries on the cadastral map.

#### **Notification of acceptance of advance notice**

5.—(1) The Keeper must notify the applicant or applicant's agent that the advance notice has been entered in the application record.

(2) A notification given under paragraph (1) must be made by email to the email address contained in the application, except in cases where an application has been made using a paper form under regulation 3(1)(b) or (3)(b).

(3) The notification given under paragraph (1) must contain the—

- (a) grantor's name and designation;
- (b) grantee's name and designation;
- (c) application number;
- (d) advance notice number;
- (e) type of intended deed;
- (f) particulars of the—
  - (i) plot of land; or
  - (ii) subjects of lease;
- (g) where section 57(4)(a)(ii) of the Act applies, a PDF(1) file of the delineation on the cadastral map; and
- (h) date when the advance notice is entered on the application record.

### **Removal of delineation from the cadastral map where intended deed not registered**

6. In respect of an advance notice for a deed which is not registered during the protected period, the period prescribed under section 62(2) of the Act, after which the Keeper must remove the delineation on the cadastral map, is 35 days beginning on the day after the date when the notice is entered in the application record.

## **PART 3**

### **Registration**

#### **Form to apply for registration in the Land Register**

7. An application for registration of—

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

must be made using the Form set out in Part 4 of Schedule 1.

#### **Application for registration of plot of land comprising seabed**

8. In respect of an application for registration of a deed in relation to a plot of land comprising seabed, the deed must contain—

- (a) a description of the plot of land based on OSGB36 coordinates<sup>(2)</sup>; and
- (b) a plan, in a form that the Keeper considers reasonably identifies the location of the plot of land in relation to the coast of Scotland.

#### **Affidavits to accompany applications for registration**

9. An affidavit which—

- (a) accompanies an application for registration;
- (b) accompanies an application to vary warranty; or
- (c) provides evidence in respect of rectification of the register,

must be made before a notary public.

#### **Application record**

10.—(1) Where the Keeper enters an application in the application record, the Keeper must allocate an application number to that application.

(2) An application number is a unique identifier consisting of numerals or of letters and numerals.

(3) Where an application for registration requires the creation of a—

- (a) cadastral unit;
- (b) lease title sheet; or
- (c) title sheet for a flat,

the Keeper must allocate a provisional title number to that application.

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(2) National Grid - Ordnance Survey Great Britain 1936.

(4) Where additional cadastral units require to be created in respect of an application, the Keeper may allocate additional application numbers and provisional title numbers until registration is completed under section 30 or 31 of the Act.

(5) Where registration is completed under section 30 or 31 of the Act, the provisional title number will become the title number assigned under section 4(1) of the Act.

### **Acknowledgement of application for registration**

**11.**—(1) After an application for registration is entered in the application record, the Keeper must acknowledge receipt of that application if an email address for acknowledgment is contained in the application.

(2) An acknowledgment given under paragraph (1) must contain the—

- (a) type of deed;
- (b) names of the parties;
- (c) date of application;
- (d) application number allocated under regulation 10(1);
- (e) title number or provisional title number allocated under regulation 10(3); and
- (f) particulars of the plot of land or the subjects of lease.

### **Title sheets**

**12.**—(1) In addition to the information required to be entered in the property section by virtue of section 6 of the Act, the property section must contain—

- (a) the date of—
  - (i) registration of the plot of land; and
  - (ii) the last entry in the title sheet;
- (b) the terms of any caveat;
- (c) in respect of a title sheet created for registration of—
  - (i) a deed relating to—
    - (aa) an unregistered plot; or
    - (bb) part of a registered plot; or
  - (ii) an unregistered plot,

particulars of any deed in which servitude rights are constituted;

- (d) a statement where minerals are excepted;
- (e) for a plot of land comprising seabed, the OSGB36 coordinates representing the boundaries of that plot; and
- (f) in respect of a title sheet created for registration of—
  - (i) a deed relating to—
    - (aa) an unregistered plot; or
    - (bb) part of a registered plot; or
  - (ii) an unregistered plot,

the area measurement of the cadastral unit where it is greater than 0.5 hectare.

(2) In addition to the information required to be entered in the property section by virtue of section 7 of the Act, the proprietorship section must contain the—

- (a) consideration; and
- (b) date of entry.

#### **Amendments etc. of application**

**13.** Where the Keeper has consented under section 34(1)(b) of the Act to substitution or amendment of an application, the substituted or amended application must be received by the Keeper before the expiry of the period of 42 days beginning on the day after the date of consent.

#### **Combination of cadastral units**

**14.** Where—

- (a) the Keeper combines cadastral units under section 13(2)(a) of the Act; and
- (b) each registered plot of land has a different date of registration,

the earliest date of registration entered in the title sheet of one of those registered plots will be the date of registration of the resultant plot of land.

#### **Form to place a caveat on a title sheet**

**15.** An application to—

- (a) place on a title sheet a caveat granted under section 67(3) of the Act;
- (b) renew a caveat granted under section 69(2) of the Act;
- (c) restrict a caveat granted under section 70(2) of the Act;
- (d) recall a caveat granted under section 71(2) of the Act; or
- (e) discharge a caveat under section 72 of the Act,

must be made using the Form set out in Part 5 of Schedule 1.

#### **Form to vary warranty**

**16.** An application to vary warranty under section 76(2) of the Act must be made using the Form set out in Part 6 of Schedule 1.

#### **Corrections**

**17.—(1)** Where the Keeper becomes aware of a typographical error in a title sheet, the Keeper may correct the error.

(2) In paragraph (1), “typographical error” means an error which is not an inaccuracy (within the meaning of section 65 of the Act).

## **PART 4**

### **Prescriptive claimants**

#### **Notification by prescriptive claimants**

**18.—(1)** An applicant must notify the person mentioned in section 43(4) of the Act by sending the notification—

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- (a) at least 60 days prior to submitting to the Keeper the application for registration of a disposition mentioned in section 43(1) of the Act; and
  - (b) by a postal service which provides for the delivery of the notification to be recorded.
- (2) The notification made under section 43(4) of the Act must be in the form set out in Schedule 2.

St Andrew's House,  
Edinburgh  
28th May 2014

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers