
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 39 of the Land Reform (Scotland) Act 2016 and create a Register of Persons holding a controlled interest in land, which register is referred to in these Regulations as “the RCI”.

Part 1 of the Regulations contains general provision, including interpretation of the terms used in the Regulations.

Part 2 creates the RCI, and makes provision about the making of entries in the RCI, amendment of entries in the RCI and the protection of, and access to the RCI.

Part 3 sets out duties to provide information. There is a duty on the person who owns or tenants land (the recorded person) to provide information about the persons who exercise significant influence or control over them (the associate). The recorded person must provide information about any changes in the information on the RCI and must notify any associates of the intention to include information about them on the register.

Associates are under a duty to notify the recorded person of their association. They are also under a duty to provide information to the recorded person on request.

Under regulation 16, it is possible for an associate to make a security declaration, which is a declaration that the inclusion of their details on the RCI would put the associate or an individual connected to the associate at risk of violence, abuse, threat of violence or abuse, or intimidation.

Regulation 18 makes provision for the appeal against a decision of the Keeper in respect of a security declaration.

Part 4 makes various miscellaneous provisions.

Schedule 1 sets out the definitions of persons who have significant influence and control over another.

Part 1 of Schedule 1 relates to contractual or other arrangements with an individual.

Part 2 of Schedule 1 relates to partnerships.

Part 3 of Schedule relates to trusts.

Part 4 of Schedule 1 relates to unincorporated bodies.

Part 5 of Schedule 1 relates to overseas entities.

Schedule 2 sets out the lists of persons who are subject to other transparency regimes. Persons listed in schedule 2 are not required to provide information under regulation 10 of these Regulations.

Schedule 3 sets out the list of evidence that may be provided in order to support a security declaration made under regulation 16(1).

The following assessments were prepared in relation to these Regulations—

- A Business and Regulatory Impact Assessment
- A Data Privacy Impact Assessment
- An Equalities Impact Assessment

A full Strategic Environmental Assessment or Children’s Rights and Wellbeing Impact Assessment were not considered to be necessary in relation to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021.