
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 85

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 [^{F1}(including a person who is a recorded person by virtue of regulation 23A)].

(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
- [^{F2}(ca) if the person is a recorded person by virtue of regulation 23A, a statement of the person's basis for registration under this regulation,]

(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.

- F1** Words in [reg. 10\(1\)](#) inserted (1.4.2022) by [The Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) Amendment Regulations 2021 \(S.S.I. 2021/495\)](#), regs. 1, **2(4)**
(a)
- F2** [Reg. 10\(3\)\(ca\)](#) inserted (1.4.2022) by [The Land Reform \(Scotland\) Act 2016 \(Register of Persons Holding a Controlled Interest in Land\) Amendment Regulations 2021 \(S.S.I. 2021/495\)](#), regs. 1, **2(4)**
(b)

Commencement Information

- I1** [Reg. 10](#) in force at 1.4.2022, see [reg. 1](#)

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, Section 10.