
Changes to legislation: Land Registration etc. (Scotland) Act 2012, Paragraph 17 is up to date with all changes known to be in force on or before 28 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 5 MINOR AND CONSEQUENTIAL MODIFICATIONS

Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)

- 17 (1) The Conveyancing and Feudal Reform (Scotland) Act 1970 is amended as follows.
- (2) In section 9 (the standard security)—
- (a) in subsection (2), after first “to” insert “ grant and register in the Land Register of Scotland or to ”,
 - (b) in subsection (4)—
 - (i) after “duly” insert “ registered or ”,
 - (ii) after “clear” insert “ the Land Register of Scotland or ”,
 - (c) in subsection (8), both—
 - (i) in paragraph (a), after second “being” insert “ registered in the Land Register of Scotland or ”,
 - (ii) in paragraph (b), after “be” insert “ registered in the Land Register of Scotland or ”.
- (3) In section 10(4) (import of forms of, and certain clauses in, standard security), after “duly” insert “ registered or ”.
- (4) In section 11(1) (effect of recorded standard security, and incorporation of standard security), after “duly” insert “ registered or ”.
- (5) In the title of section 11 as so amended, after first “of” insert “ registered or ”.
- (6) In section 12 (standard security may be granted by person uninfert)—
- (a) for subsection (1) substitute—

“(1) Notwithstanding any rule of law, a standard security may be granted over land or a real right in land by a person whose title thereto has not been completed by being duly registered or recorded.

(1A) If the deed expressing the security is to be recorded in the Register of Sasines, the grantor must, in that deed, deduce his title to the land or real right from the person who appears in the Register of Sasines as having the last recorded title thereto.”,
 - (b) in subsection (2)—
 - (i) for “such a deed being” substitute “ a deed expressing the security being registered or ”,
 - (ii) repeal “to which he has deduced title therein”,
 - (iii) after “last” insert “ registered or ”.
- (7) In section 13 (ranking of standard securities)—
- (a) in subsection (1)—
 - (i) after “duly” insert “ registered or ”,
 - (ii) after “so” insert “ registered or ”,
 - (b) in subsection (2)(a)—
 - (i) after “duly” insert “ registered or ”,
 - (ii) after “subsequent” insert “ registration or ”,
 - (iii) after third “the” insert “ Land Register of Scotland or ”,

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- (c) after subsection (3) insert—
- “(4) An agreement as to the ranking among themselves of two or more standard securities which are granted over the same land or the same real right in land may be registered in the Land Register of Scotland.”.
- (8) In section 14(1) (assignment of standard security), after “duly”, in both places, insert “ registered or ”.
- (9) In section 15 (restriction of standard security)—
- (a) in subsection (1), after “duly”, in both places, insert “ registered or ”,
- (b) in subsection (2), after “duly” insert “ registered or ”.
- (10) In section 16 (variation of standard security)—
- (a) in subsection (1), after “duly”, in both places, insert “ registered or ”,
- (b) in subsection (2)—
- (i) after “duly” insert “ registered or ”,
- (ii) after “so” insert “ registered or ”,
- (iii) after “be” insert “ registered in the Land Register of Scotland or ”,
- (c) in subsection (4)—
- (i) after first “is” insert “ registered or ”,
- (ii) after “an” insert “ unregistered or ”.
- (11) In section 17 (discharge of standard security), after “duly”, in both places, insert “ registered or ”.
- (12) In section 18(3) (redemption of standard security), after “duly” insert “ registered or ”.
- (13) In section 19 (calling-up of standard security)—
- (a) in subsection (2)—
- (i) after “last”, in both places, insert “ registered or ”,
- (ii) after first “appearing” insert “ in the Land Register of Scotland or ”,
- (iii) after “record” insert “ of the Register of Sasines ”,
- (iv) before “Register” insert “ Land Register of Scotland or ”,
- (b) in subsection (3), after the word “last”, in both places, insert “ registered or ”.
- (14) In section 26 (disposition by creditor on sale)—
- (a) in subsection (1), after “duly” insert “ registered or ”,
- (b) in subsection (2), after second “the” insert “ registration or ”.
- (15) In section 27(1)(c) (application of proceeds of sale), after “duly” insert “ registered or ”.
- (16) In section 28 (foreclosure)—
- (a) in subsection (5)—
- (i) after “duly” insert “ registered or ”,
- (ii) for “section 15 of the Land Registration (Scotland) Act 1979” substitute “ the Land Registration etc. (Scotland) Act 2012 (asp 5) ”,
- (iii) after “warrant” insert “ for registering the extract of the decree in the Land Register of Scotland or ”,

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- (b) in subsection (6)—
 - (i) after “duly”, in both places, insert “ registered or ”,
 - (ii) in paragraph (a), after “date” insert “ of the registration or ”,
 - (c) in subsection (7), after “due” insert “ registration or ”.
- (17) In section 30(1) (interpretation of Part 2)—
- (a) for the definition of “duly recorded” substitute—

““duly registered or recorded” means registered in the Land Register of Scotland or recorded in the Register of Sasines;”
 - (b) after the definition of “real right in land” insert—

““recorded” means recorded in the Register of Sasines;”
 - (c) after the definition of “Register of Sasines” insert—

““registered” means registered in the Land Register of Scotland;”
- (18) In section 53(4) (interpretation of Act other than Part 2), for the definition of “duly recorded” substitute—
- ““duly registered or recorded” means registered in the Land Register of Scotland or recorded in the Register of Sasines;”.
- (19) In the notes to schedule 2 (forms of standard security)—
- (a) in note 2, after first “subjects” insert “ and the deed is to be recorded in the Register of Sasines ”,
 - (b) in note 3, after first “security” insert “ to be recorded in the Register of Sasines ”,
 - (c) in note 4, after second “be” insert “ registered in the Land Register of Scotland or ”,
 - (d) in note 8—
 - (i) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
 - (ii) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.
- (20) In paragraph 12 of schedule 3 (the standard conditions)—
- (a) before “recorded” insert “ registered or ”,
 - (b) before “recording” insert “ registration or ”.
- (21) In schedule 4 (forms of deeds of assignation, restriction etc.) in each of forms A, C, D, E and F, for “recorded in the register for.....on.....” substitute “ registered in the Land Register of Scotland on.....over title number.....(or recorded in the Register for.....on.....) ”.
- (22) In the notes to schedule 4—
- (a) in note 1—
 - (i) after first “title” insert “ and the deed is to be recorded in the Register of Sasines ”,
 - (ii) before fourth “recorded” insert “ registered or ”,
 - (b) in note 3—
 - (i) after first “by” insert “ registration of the security in the Land Register of Scotland or ”,

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- (ii) for “recorded” substitute “registered (or recorded)” ,
 - (c) in note 5—
 - (i) before “recorded”, in the first two places, insert “ registered or ”,
 - (ii) before third “recorded” insert “ registered in the Land Register of Scotland or ”,
 - (d) in note 6, after first “subjects” insert “ and the deed is to be recorded in the Register of Sasines ”,
 - (e) in note 7—
 - (i) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
 - (ii) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.
- (23) In schedule 5 (procedures as to redemption)—
- (a) in form A, for “recorded in the register for.....on.....” substitute “ registered in the Land Register of Scotland on.....over title number.....(or recorded in the Register for.....on.....) ”,
 - (b) in form D (nos. 1 and 2), for “recorded in the register for.....on.....” substitute “ registered in the Land Register of Scotland on.....over title number.....(or recorded in the Register for.....on.....) ”,
 - (c) in each of the notes to form D—
 - (i) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
 - (ii) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.
- (24) In schedule 6 (procedures as to calling-up and default), in each of forms A and B, for “recorded in the register for.....on.....” substitute “ registered in the Land Register of Scotland on.....over title number.....(or recorded in the Register for.....on.....) ”.
- (25) In schedule 9 (discharge of heritable security constituted by ex facie absolute conveyance), in note 4—
- (a) for “Subscription of the document by the granter of it” substitute “ In the case of a traditional document, subscription of it by the granter ”,
 - (b) after “1995” insert “ , which also makes provision as regards the authentication of an electronic document ”.

Commencement Information

II Sch. 5 para. 17 in force at 8.12.2014 by S.S.I. 2014/127, art. 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A48B and cross-heading inserted by [2016 asp 18 s. 43\(2\)](#)
- s. 116(3)(ba)(bb) inserted by [2016 asp 18 s. 43\(3\)](#)