

## SCHEDULE 1

(introduced by section 20)

### REGISTERED LEASES TENANTED IN COMMON

#### *Shared leases*

- 1 This schedule applies where—
  - (a) an area of land—
    - (i) is tenanted in common by the tenants of two or more registered leases by virtue of their tenancy under those leases,
    - (ii) is not tenanted in common by anyone else,
  - (b) those registered leases have lease title sheets.
- 2 The Keeper may, if the Keeper considers it appropriate—
  - (a) where the area tenanted in common does not have a lease title sheet, make up such a title sheet and designate it as a “shared lease title sheet”,
  - (b) where that area is the subjects of a registered lease, make up (if necessary) a lease title sheet and designate it as a shared lease title sheet.
- 3 In the following provisions of this schedule—
  - (a) references to a “shared lease” are to a lease the title sheet of which is designated under paragraph 2,
  - (b) references to the “sharing leases” are to the other leases the tenants of which are tenants in common of the shared lease.
- 4 Unless the context otherwise requires, any reference in a document to a sharing lease is to be taken to include a reference to the share in the shared lease which pertains to the sharing lease.
- 5 Registration has the same effect in relation to a share in a shared lease which pertains to a sharing lease as it has in relation to the sharing lease (except in so far as may otherwise be provided in the deed registered).

#### *Shared lease and sharing lease title sheets*

- 6 The Keeper must enter—
  - (a) in the property section of the title sheet of each of the sharing leases the title number of the shared lease title sheet,
  - (b) in the proprietorship section of the shared lease title sheet, the title numbers of the title sheets of each sharing lease.
- 7 The Keeper must also enter—
  - (a) in the property section of the title sheet of each sharing lease, the quantum of the share which the tenant of that sharing lease has in the shared lease,
  - (b) in the proprietorship section of that title sheet, in relation to the information required by section 7(1)(b), the respective share each sharing lease has in the shared lease,
  - (c) in the securities section of the shared lease title sheet, a statement to the effect that the shared lease may be subject to a heritable security registered against a sharing lease,
  - (d) in the burdens section of that title sheet, a statement to the effect that the shared lease may be subject to some other encumbrance so registered.

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- 8 The Keeper must not enter in or, if entered, must omit from—
- (a) the proprietorship section of the shared lease title sheet, the information that would otherwise be required under section 7(1)(a),
  - (b) the securities section of that title sheet, the information that would otherwise be required under section 8(1) unless the security is over the shared lease only,
  - (c) that title sheet, any matter that would otherwise be required under section 10(2)(b).
- 9 The Keeper may, if the condition mentioned in paragraph 10 is satisfied and the Keeper considers it appropriate, omit from the burdens section of the shared lease title sheet any entry which would otherwise be required under section 9(1).
- 10 The condition is that the encumbrance to which the entry would relate is (or falls to be) registered against each of the sharing leases.

*Conversion of shared lease title sheet to ordinary lease title sheet*

- 11 The Keeper may at any time revoke a designation under paragraph 2 of a lease title sheet as a shared lease title sheet.
- 12 Where the Keeper revokes a designation, the Keeper must make such changes to the title sheets of the leases that were, in relation to the shared lease title sheet, the shared lease and the sharing leases as are consequential upon the revocation.

SCHEDULE 2

*(introduced by section 52(3))*

AMENDMENT OF REGISTRATION OF LEASES (SCOTLAND) ACT 1857

- 1 The Registration of Leases (Scotland) Act 1857 (c.26) is amended as follows.
- 2 In section 1 (long leases, and assignments thereof, registrable in Register of Sasines) —
- (a) before first “record” insert “register in the Land Register of Scotland or as the case may be”,
  - (b) for second “record” to “thereof” substitute “register or record assignments and translations of such leases”,
  - (c) the existing provisions as so amended become subsection (1),
  - (d) after that subsection insert—
    - “(2) In subsection (1) above, the expression “lands and heritages in Scotland” is, without prejudice to its generality, to be construed as including the seabed of the territorial sea of the United Kingdom adjacent to Scotland.”.
- 3 In the title of section 1 as so amended, for “registerable” substitute “registrable in Land Register of Scotland or Register of Sasines”.
- 4 In section 2 (recorded leases effectual against singular successors in the lands let)—
- (a) after “duly” insert “registered or”,
  - (b) in the proviso, after first “of” insert “, and subject to section 20C of”.

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- 5 In the title of section 2 as so amended, for “Recorded” substitute “Registered and recorded”.
- 6 In section 3 (assignments of recorded leases)—
- (a) in subsection (1)—
    - (i) after first “been” insert “registered or”,
    - (ii) before second “recorded” insert “registered or”,
    - (iii) after “Schedule” insert “(ZA.) or, as the case may be,”,
    - (iv) before “recording” insert “registering or”,
  - (b) in subsection (2)—
    - (i) repeal “recording of such assignment or the”,
    - (ii) after first “interest” insert “or the registration of such assignment under the Land Registration etc. (Scotland) Act 2012 (asp 5) or the recording of such assignment”,
    - (iii) for “and it” to the end substitute “and, as the case may be, the grantee’s interest or the lease had been so registered or the lease had been duly recorded.”,
  - (c) in subsection (2C), repeal—
    - (i) “, notwithstanding section 3(4) of the Land Registration (Scotland) Act 1979 (c.33) (creation of real right or obligation on date of registration etc.),”,
    - (ii) “of an interest in land under”.
- 7 In the title of section 3 as so amended, before “recorded” insert “registered or”.
- 8 In section 10 (adjudgers to complete right by recording abbreviate)—
- (a) after first “lease” insert “registered or recorded”,
  - (b) before “recording” insert “registering or”,
  - (c) before second “recorded” insert “registered or”.
- 9 In section 12 (preferences regulated by date of recording transfer)—
- (a) after first “assignments” insert “of any such lease registered or recorded as aforesaid”,
  - (b) before second “recorded” insert “registered or”,
  - (c) before “recording” insert “registering or”.
- 10 In the title of section 12 as so amended, before “recording” insert “registering or”.
- 11 In section 13 (renunciations and discharges to be recorded)—
- (a) after first “aforesaid” insert “registered or”,
  - (b) for “(G.)” substitute “(ZG.) (or (G.))”,
  - (c) after “duly” insert “register or”.
- 12 In the title of section 13 as so amended, before “recorded” insert “registered or”.
- 13 In section 14 (entry of decree of reduction)—
- (a) after “renunciation” insert “registered or as the case may be”,
  - (b) after “duly” insert “register or”.
- 14 In section 15 (mode of registering etc.)—
- (a) the existing provisions become subsection (1),
  - (b) after that subsection insert—

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“(2) References in subsection (1) above to registration are not to be construed as including references to registration in the Land Register of Scotland.”.

15 In section 16 (registration equivalent to possession), after subsection (2) insert—

“(3) References in subsections (1) and (2) above to registration are not to be construed as including references to registration in the Land Register of Scotland.”.

16 After section 20B (as inserted by section 52) insert—

**“20C Disapplication of Leases Act 1449**

The Leases Act 1449 (c.6) does not apply to a lease registrable under this Act and granted on or after the date on which—

- (a) the land to which the lease relates, or any part of that land, became land within an operational area (that is to say within an area in respect of which the provisions of the Land Registration (Scotland) Act 1979 (c.33) had come into operation), or
- (b) section 52 of the Land Registration etc. (Scotland) Act 2012 (asp 5) (amendment of Registration of Leases (Scotland) Act 1857 (c.26)) comes into force.

**20D Long fishing leases**

This Act applies to a contract within the meaning of section 66 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (asp 15) (application of Leases Act 1449) as it does to a lease described in section 1 of this Act provided that the contract in question—

- (a) is for a period exceeding 20 years, or
- (b) includes an obligation such as is described in section 17 of this Act.

**20E The expression “the register”**

Except where the context otherwise requires, in this Act—

- (a) the expression “the register” is to be construed as including a reference to the Land Register of Scotland, and
- (b) analogous expressions are to be construed accordingly.”.

17 Before schedule (A.) insert—

“SCHEDULE (Z.A.)  
FORM OF ASSIGNATION OF LEASE REGISTERED  
IN THE LAND REGISTER OF SCOTLAND

I, *A.B.*, [*designation*] in consideration of the sum now paid to me, [*or otherwise, as the case may be,*] assign to *C.D.* [*designation*] a lease registered in the Land Register of Scotland under title number [*number*] [but (*where the lease is assigned in part only*) in so far only as regards the following portion of the subjects leased; viz. (*specify particularly the portion*),] with entry as at (*term of entry*). And [*where sub-lease*] I assign the rents from [*term*]; and I grant warrandice; and I bind myself to free and relieve the said *C.D.* of all rents and burdens due to the landlord or others at and prior to the term of entry in respect of said lease; and I consent to registration for preservation and execution.

[*Testing clause. †*]

†Note.—In the case of a traditional document, subscription of it by the granter will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes: see the Requirements of Writing (Scotland) Act 1995 (c.7) (which also makes provision as regards the authentication of an electronic document).

- 18 In each of schedules (A.) (form of assignation of lease), (G.) (renunciation of lease) and (H.) (form of discharge of bond and assignation in security), in the note relating to subscription of the document in question—
- (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”.
- 19 In the title of schedule (A.), at the end insert “recorded in Register of Sasines”.
- 20 Schedule (B.) (form of bond and assignation in security) and the note to that schedule are repealed.
- 21 Schedule (D.) (form of translation of assignation in security) and the note to that schedule are repealed.
- 22 Before schedule (G.) insert—

“SCHEDULE (ZG.)  
 RENUNCIATION OF LEASE REGISTERED  
 IN THE LAND REGISTER OF SCOTLAND

I, *A.B. [designation]* renounce as from the term of [*term*] in favour of *C.D. [or as the case may be]* a lease granted by the said *C.D. [or as the case may be]* and registered in the Land Register of Scotland under title number [*number*].

[*Testing clause. †*]

†Note.—In the case of a traditional document, subscription of it by the granter will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes: see the Requirements of Writing (Scotland) Act 1995 (c.7) (which also makes provision as regards the authentication of an electronic document).

- 23 In the title of schedule (G.), at the end insert “recorded in the Register of Sasines”.

SCHEDULE 3

*(introduced by section 98)*

AMENDMENT OF REQUIREMENTS OF WRITING (SCOTLAND) ACT 1995

- 1 The 1995 Act is amended as follows.  
 2 After section 1 insert—

**“PART 2**

TRADITIONAL DOCUMENTS

**1A Application of Part 2**

This Part of this Act applies to documents written on paper, parchment or some similar tangible surface (“traditional documents”).”.

- 3 In section 2 (type of writing required for formal validity of certain documents)—  
 (a) in subsection (1), after “No” insert “traditional”,  
 (b) in subsection (2)—  
     (i) for “documents” in both places substitute “traditional documents”,  
     (ii) for first “document” substitute “traditional document”,  
     (iii) after “each” substitute “such”,  
 (c) in subsection (3), for first “document” substitute “traditional document”.  
 4 In the title of section 2, after “certain” insert “traditional”.  
 5 Sections 2A, 2B and 2C are repealed.

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- 6 In section 3 (presumption as to granter’s subscription or date or place of subscription)—
- (a) in subsection (1)(a), for “document” substitute “traditional document”,
  - (b) in subsection (2), for “testamentary document consists” substitute “traditional document is a testamentary document consisting”,
  - (c) in subsection (4), for first “document” substitute “traditional document”,
  - (d) in subsection (9), for “document” substitute “traditional document”,
  - (e) in subsection (10)(a), for “testamentary document bears” substitute “traditional document is a testamentary document bearing”.
- 7 Section 3A is repealed.
- 8 In section 4 (presumption as to granter’s subscription or date or place of subscription when established in court proceedings)—
- (a) in subsection (1), for first “document” substitute “traditional document”,
  - (b) in subsection (2), for first “document” substitute “traditional document”.
- 9 In section 5 (alterations to documents: formal validity and presumptions)—
- (a) in subsection (1), for first “document” substitute “traditional document”,
  - (b) in subsection (3), for first “document” substitute “traditional document”,
  - (c) in subsection (4), for first “document” substitute “traditional document”,
  - (d) in subsection (8), for first “document” substitute “traditional document”,
  - (e) subsection (9) is repealed.
- 10 In the title of section 5, for “documents” substitute “traditional documents”.
- 11 In section 6 (registration of documents)—
- (a) in subsection (1), repeal “and section 6A of this Act”,
  - (b) in subsection (1)(a), for “document” substitute “traditional document”,
  - (c) in subsection (1)(b), for “document” substitute “traditional document”,
  - (d) after subsection (1)(b) insert—
    - “(ba) to register a traditional document in the Land Register of Scotland,”,
  - (e) for subsection (3)(a) substitute—
    - “(a) a document’s—
      - (i) being recorded in the Register of Sasines, or
      - (ii) being registered in the Land Register of Scotland, in the Books of Council and Session or in sheriff court books,if an enactment requires or expressly permits such recording or registration notwithstanding that the document is not presumed to have been subscribed by the granter or by at least one of the granters,”,
  - (f) in subsection (3)(b), after “Sasines” insert “or the registering of such a decree in the Land Register of Scotland”,
  - (g) in subsection (4), for “document” substitute “traditional document”.
- 12 In the title of section 6, for “documents” substitute “traditional documents”.
- 13 Section 6A is repealed.
- 14 In section 7 (subscription and signing)—
- (a) in subsection (1), for first “document” substitute “traditional document”,

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- (b) in subsection (2)—
    - (i) for first “document” substitute “traditional document”,
    - (ii) for second “a document” substitute “such a document”,
  - (c) in subsection (4), for first “document” substitute “traditional document”,
  - (d) in subsection (5)—
    - (i) for first “document” substitute “traditional document”,
    - (ii) for second “a document” substitute “such a document”,
  - (e) in subsection (7), for “documents” substitute “traditional documents”.
- 15 In section 8 (annexations to documents)—
- (a) in subsection (1), for first “document” substitute “traditional document”,
  - (b) in subsection (4), for first “document” substitute “traditional document”,
  - (c) in subsection (5), for first “document” substitute “traditional document”.
- 16 In the title of section 8, for “documents” substitute “traditional documents”.
- 17 In section 9 (subscription on behalf of blind granter or granter unable to write)—
- (a) for first “document” substitute “traditional document”,
  - (b) in subsection (5)—
    - (i) in paragraph (a), for “document” substitute “traditional document”,
    - (ii) in paragraph (b), for first “document” substitute “traditional document as mentioned in section 5(1)”.
- 18 Section 11 is repealed.
- 19 In section 12 (interpretation)—
- (a) in subsection (1)—
    - (i) repeal the definition of “ARTL System”,
    - (ii) after the definition of “authorised” insert—
      - ““certification”, in relation to an electronic signature incorporated into or logically associated with an electronic document, means confirming in a statement that—
      - (a) the electronic signature,
      - (b) a means of producing, communicating or verifying that signature, or
      - (c) a procedure applied to that signature,
 is, either alone or combined with other factors, a valid means of establishing the authenticity of the electronic document, its integrity or both its authenticity and its integrity (it being immaterial, in construing this definition, whether the statement is made before or after the authentication of an electronic document to which the statement relates),”
    - (iii) repeal the definition of “dealing”,
    - (iv) repeal the definition of “digital signature”,
    - (v) in the definition of “document”, after first “includes” insert “, in the case of a traditional document”,
    - (vi) repeal the definition of “electronic communication”,
    - (vii) for the definition of “electronic document” substitute—
      - ““electronic document” has the meaning given by section 9A,



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- “electronic signature” means so much of anything in electronic form as—
- (a) is incorporated into, or logically associated with, an electronic document, and
  - (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the electronic document, its integrity or both its authenticity and its integrity,”
- (viii) repeal the definitions of “signature-creation data” and “signature-creation device”,
- (ix) at the end insert—
- ““traditional document” has the meaning given by section 1A.”,
- (b) after subsection (3) insert—
- “(4) In relation to an electronic document—
- (a) references to authenticity—
    - (i) are references to whether the document has been electronically signed by a particular person, and
    - (ii) may include references to whether the document is accurately timed or dated, and
  - (b) references to integrity are references as to whether there has been any tampering with, or other modification of, the document.”.
- 20 In section 13 (Crown application), in subsection (1)(c), after “Sasines” insert “, registered in the Land Register of Scotland”.
- 21 The provisions of sections 10 to 15 as amended by this schedule become Part 4 of the Act.
- 22 The title of Part 4 is “General provisions”.
- 23 In schedule 1 (alterations made to documents after subscription)—
- (a) in paragraph 1(1)(a), for first “document” substitute “traditional document”,
  - (b) in paragraph 2—
    - (i) in sub-paragraph (1), for first “document” substitute “traditional document”,
    - (ii) in sub-paragraph (2), for first “document” substitute “traditional document”.
- 24 In the title to schedule 1, for “document” substitute “traditional document”.
- 25 In schedule 2 (subscription and signing: special cases)—
- (a) in paragraph 1, for first “document” substitute “traditional document”,
  - (b) in paragraph 2(1), for first “document” substitute “traditional document”,
  - (c) in paragraph 3—
    - (i) in sub-paragraph (1), for first “document” substitute “traditional document”,
    - (ii) in sub-paragraph (4), for “document” substitute “traditional document”,

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- (iii) in sub-paragraph (5)(a), in paragraph (a) of the first subsection set out in substitution for section 3(1), for first “document” substitute “traditional document”,
  - (iv) in sub-paragraph (6)(a), in paragraph (a) of the sub-paragraph set out in substitution for paragraph 1(1) of schedule 1, for “document” substitute “traditional document”,
- (d) in paragraph 3A—
  - (i) in sub-paragraph (1), for first “document” substitute “traditional document”,
  - (ii) in sub-paragraph (4), for “document” substitute “traditional document”,
  - (iii) in sub-paragraph (5)(a), in paragraph (a) of the first subsection set out in substitution for section 3(1), for “document” substitute “traditional document”,
  - (iv) in sub-paragraph (6)(a), in paragraph (a) of the first sub-paragraph set out in substitution for paragraph 1(1) of schedule 1, for “document” substitute “traditional document”,
- (e) in paragraph 4—
  - (i) in sub-paragraph (1), for first “document” substitute “traditional document”,
  - (ii) in sub-paragraph (4), for “document” substitute “traditional document”,
  - (iii) in sub-paragraph (5), in paragraph (a) of the first subsection set out in substitution for section 3(1), for “document” substitute “traditional document”,
  - (iv) in sub-paragraph (7), in paragraph (a) of the first sub-paragraph set out in substitution for paragraph 1(1) of schedule 1, for “document” substitute “traditional document”,
- (f) in paragraph 5—
  - (i) in sub-paragraph (2), for first “document” substitute “traditional document”,
  - (ii) in sub-paragraph (4), for “document” substitute “traditional document”,
  - (iii) in sub-paragraph (5), in paragraph (a) of the first subsection set out in substitution for section 3(1), for first “document” substitute “traditional document”,
  - (iv) in sub-paragraph (7), in paragraph (a) of the first sub-paragraph set out in substitution for paragraph 1(1) of schedule 1, for “document” substitute “traditional document”,
- (g) in paragraph 6—
  - (i) in sub-paragraph (1), for first “document” substitute “traditional document”,
  - (ii) in sub-paragraph (5), for “document” substitute “traditional document”,
  - (iii) in sub-paragraph (6), in paragraph (a) of the first subsection set out in substitution for section 3(1), for first “document” substitute “traditional document”,

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- (iv) in sub-paragraph (7), in paragraph (a) of the first sub-paragraph set out in substitution for paragraph 1(1) of schedule 1, for first “document” substitute “traditional document”.
- 26 In schedule 3 (modifications of the Act in relation to subscription or signing by relevant person under section 9 of the Act)—
- (a) in paragraph 2, in paragraph (a) of the subsection set out in substitution for section 3(1), for “document” substitute “traditional document”,
  - (b) in paragraph 4, in the subsection set out in substitution for section 3(4), for first “document” substitute “traditional document”,
  - (c) in paragraph 7, in paragraph (a) of the subsection set out in substitution for section 4(1), for “document” substitute “traditional document”,
  - (d) in paragraph 9, in sub-paragraph (a) of the paragraph set out in substitution for paragraph 1(1) of schedule 1, for first “document” substitute “traditional document”,
  - (e) in paragraph 14, in sub-paragraph (a) of the paragraph set out in substitution for paragraph 2(1) of schedule 1, for first “document” substitute “traditional document”.
- 27 In paragraph 1 of schedule 4 (minor and consequential amendments)—
- (a) in sub-paragraph (1), after “section 6(2)” insert “or 9F(2)”,
  - (b) in sub-paragraph (2), for “or subscribed” substitute “, subscribed or authenticated”.

#### SCHEDULE 4

*(introduced by section 118)*

#### TRANSITIONAL PROVISIONS

##### *Existing title sheets*

- 1 On the designated day an existing title sheet becomes part of the title sheet record.
- 2 An existing title sheet which becomes, under paragraph 1, part of the title sheet record, may be amended by the Keeper so as—
- (a) to conform with a requirement of, or imposed by virtue of, this Act, or
  - (b) to reflect something permitted by, or by virtue of, this Act.
- 3 An amendment under paragraph 2 may be made on the designated day or at such later date as the Keeper considers appropriate.
- 4 An existing title sheet as respects an interest of ownership becomes under paragraph 1 a title sheet as respects a plot of land; and the Keeper, on or as soon as practicable after the designated day, must create a cadastral unit for that plot.
- 5 An existing title sheet as respects an interest of tenancy becomes under paragraph 1 a lease title sheet.
- 6 Section 12(2) does not apply to a cadastral unit created under paragraph 4.

*Common areas: general*

- 7 If, by reason of being owned in common, the selfsame area of land is, immediately before the designated day, included in two or more existing title sheets the Keeper may, if the Keeper considers it appropriate, make up a title sheet for that area and create a cadastral unit for it.
- 8 Where a title sheet is created by virtue of paragraph 7—
- (a) the Keeper is to make such changes to the other title sheets mentioned in that paragraph and to the cadastral map as are consequential upon its being so constituted, and
  - (b) the respective shares of the proprietors of the area of land need only be entered in the title sheet if they were entered in the existing title sheets.

*Common areas: developments begun before designated day*

- 9 If, by reason of being owned in common, the selfsame area of land (in this paragraph and in paragraph 11 referred to as “area A”) is, immediately before the designated day, included in two or more existing title sheets and on or after that day title sheets (in this paragraph and in paragraph 10 referred to as the “new title sheets”) are to be constituted for plots of land the proprietors of which will (qua proprietors of those plots) be comprised within those who own area A in common, area A may, by reason of being owned in common, be included in the new title sheets.
- 10 Where the respective shares of the proprietors were not entered in the existing title sheets they need not be entered in the new title sheets.
- 11 The Keeper may at any time create a separate title sheet for area A.

*Archive record*

- 12 The Keeper must include in the archive record—
- (a) all copies of documents upon which the terms of the existing title sheets are founded,
  - (b) all copies of documents which relate to past states of title sheets and title plans, and
  - (c) such other information, in whatever form, as so relates,
- in so far as those copy documents, and as the case may be that other information, is held by the Keeper immediately before the designated day.

*Pending applications*

- 13 Nothing in this Act, other than provision made by or by virtue of section 35, affects an application under section 4 (applications for registration) of the Land Registration (Scotland) Act 1979 (c.33) (the “1979 Act”) provided that the date of receipt of the application is before the designated day.
- 14 An application by virtue of section 9(1) of the 1979 Act (rectification of the register) falls if it has not been determined by the Keeper as at the designated day.

### *Claims under the 1979 Act*

- 15 Where, immediately before the designated day, a person has an entitlement to claim indemnity under section 12(1) of the 1979 Act (indemnity in respect of loss) but either—
- (a) no such claim has been made, or
  - (b) any such claim as has been made is as yet undetermined,
- nothing in this Act affects the entitlement or claim.
- 16 Nothing in this Act affects any entitlement to reimbursement under subsection (1) of section 13 of the 1979 Act (reimbursement of certain expenditure) or any claim made by virtue of that subsection.

### *Bijural inaccuracies*

- 17 If there is in the register, immediately before the designated day, an inaccuracy which the Keeper has power to rectify under section 9 of the 1979 Act (rectification of the register) then, as from that day—
- (a) any person whose rights in land would have been affected by such rectification has such rights (if any) in the land as that person would have if the power had been exercised, and
  - (b) the register is inaccurate in so far as it does not show those rights as so affected.
- 18 For the purpose of determining whether the Keeper has the power mentioned in paragraphs 17 and 22, the person registered as proprietor of the land is to be presumed to be in possession unless the contrary is shown.
- 19 Where, by virtue of paragraph 17—
- (a) a right is lost, compensation is payable under Part 7 as if warranty had been granted under section 73 in accepting an application by the person in whom the right was vested, or
  - (b) an encumbrance is revived, compensation is so payable as if such warranty had been granted in respect of an omission of the encumbrance.
- 20 Except that—
- (a) compensation is not so payable in so far as, had the Keeper rectified the inaccuracy before the designated day, either a right to indemnity under section 12 of the 1979 Act (indemnity in respect of loss) was excluded by virtue of subsection (2) of that section or there would, by virtue of subsection (3) of that section, have been no entitlement to such indemnity,
  - (b) any compensation so payable is to be reduced to the extent that, had the Keeper rectified the inaccuracy before the designated day, the amount of any indemnity would have been reduced by virtue of section 13(4) of that Act (reduction proportionate to the extent to which a claimant has contributed, by fraudulent or careless act or omission, to loss), and
  - (c) in construing Part 7 for the purposes of paragraph 19, paragraphs (b) and (c) of section 78 are to be disregarded.
- 21 Section 77(4) and (5) applies in relation to a payment made by virtue of paragraph 19(a) as that section applies in relation to any other payment under Part 7.
- 22 If there is in the register, immediately before the designated day, an inaccuracy which the Keeper does not have power to rectify under section 9 of the 1979 Act, then on that day it ceases to be an inaccuracy.

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- 23 Where, by virtue of paragraph 22, a person suffers loss which, had it been suffered by virtue of paragraph (b) of section 12(1) of the 1979 Act, would (after allowing for the effect of subsections (2) and (3) of that section) have given rise before the designated day to an entitlement under that section, the person is entitled to claim compensation, by virtue of this paragraph, from the Keeper in respect of that loss.
- 24 Sections 94(3) to (6) and 95 apply in respect of a claim by virtue of paragraph 23 as they apply in respect of a claim by virtue of section 94(1), but with the modification that, for paragraph (a) of section 95(1), there is substituted—
- “(a) is, in so far as it is not compensation mentioned in paragraph (b), to be quantified as at the date on which the register became inaccurate.”.

*Depiction of tenement etc.*

- 25 Section 16(3) does not apply if any of the flats comprised in the flatted building mentioned in that subsection—
- (a) is recorded in the Register of Sasines, or
  - (b) is registered by virtue of an application accepted under section 4 of the 1979 Act.

## SCHEDULE 5

*(introduced by section 119)*

### MINOR AND CONSEQUENTIAL MODIFICATIONS

*Lands Clauses Consolidation (Scotland) Act 1845 (c.19)*

- 1 In the Lands Clauses Consolidation (Scotland) Act 1845, in the note to schedule (A.) (form of conveyance)—
- (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”.

*Commissioners Clauses Act 1847 (c.16)*

- 2 (1) The Commissioners Clauses Act 1847 is amended as follows.
- (2) In section 59(2) (conveyance of lands by commissioners)—
- (a) in paragraph (a)—
    - (i) for “in accordance with section 7 of, and paragraph 5 of Schedule 2 to,” substitute “or authenticated in accordance with”,
    - (ii) for “subscribed in accordance with the said section 7” substitute “so subscribed or authenticated”,
    - (iii) for “, followed by infetment duly recorded” substitute “or authenticated, duly registered in the Land Register of Scotland”,
  - (b) in paragraph (b), for “word “subscribed”” substitute “the words “subscribed or authenticated””.
- (3) In section 75(2)(c) (form of mortgage)—

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- (a) in sub-paragraph (i), repeal “section 7 of, and paragraph 5 of Schedule 2 to,”
- (b) in sub-paragraph (ii), for “section 7” substitute “Act”.

*Ordnance Board Transfer Act 1855 (c.117)*

- 3 In section 5(2) of the Ordnance Board Transfer Act 1855 (description in conveyances etc.), after “subscribing” insert “, or as the case may be authenticating,”.

*Transmission of Moveable Property (Scotland) Act 1862 (c.85)*

- 4 In the Transmission of Moveable Property (Scotland) Act 1862, in the note to each of schedules A (form for assignation of bond or conveyance) and B (form of bond or conveyance)—
- (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”.

*Land Registers (Scotland) Act 1868 (c.64)*

- 5 (1) The Land Registers (Scotland) Act 1868 is amended as follows.
- (2) Sections 13, 19 and 25 are repealed.

*Titles to Land Consolidation (Scotland) Act 1868 (c.101)*

- 6 (1) The Titles to Land Consolidation (Scotland) Act 1868 is amended as follows.
- (2) In section 159 (litigiosity not to begin before date of registration of notice of summons)—
- (a) the existing provisions become subsection (1),
  - (b) after that subsection insert—
    - “(2) A notice registered under subsection (1) on or after the date on which section 67 of the Land Registration etc. (Scotland) Act 2012 (asp 5) (warrant to place a caveat) comes into force shall not have any effect in rendering litigious any land a title sheet for which is comprised in the Land Register of Scotland or in placing in bad faith any person acquiring such land.”.
- (3) In section 159A (registration of notice of summons of action of reduction)—
- (a) in each of subsections (2)(b) and (3)(b), repeal “register in the Land Register of Scotland or, as the case may be,”
  - (b) after subsection (3) insert—
    - “(4) This section does not apply in relation to lands for which there is a title sheet in the Land Register of Scotland.”.
- (4) In schedule B, in form No. 1 (formal clauses of a disposition of land etc.), in the note relating to subscription of the document in question—
- (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”,

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- (b) after “1995” insert “, which also makes provision as regards the authentication of an electronic document”.

*Conveyancing (Scotland) Act 1874 (c.94)*

- 7 (1) The Conveyancing (Scotland) Act 1874 is amended as follows.
- (2) In schedule M (form of assignation of right of relief etc.), in the note—
- (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”.

*Trusts (Scotland) Act 1921 (c.58)*

- 8 (1) The Trusts (Scotland) Act 1921 is amended as follows.
- (2) In schedule A (form of minute of resignation), in the note—
- (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”.
- (3) In schedule B (form of deed of assumption), in the note—
- (a) for “Subscription of the document by the granter or granters of it” substitute “In the case of a traditional document, subscription of it by the granter or granters”,
  - (b) after “1995” insert “, which also makes provision as regards the authentication of an electronic document”.

*Conveyancing (Scotland) Act 1924 (c.27)*

- 9 (1) The Conveyancing (Scotland) Act 1924 is amended as follows.
- (2) In section 2(5) (interpretation), after “registrable” insert “in the Land Register of Scotland or”.
- (3) In section 3 (disposition etc.), for “manner” substitute “such manner as was (immediately before the repeal of the note)”.
- (4) In section 44 (General Register of Inhibitions and Register of Adjudications to be combined; limitation of effect of entries therein), after subsection (2) insert—
- “(2A) A notice registered under subsection (2)(a)(i) of this section on or after the date on which section 67 of the Land Registration etc. (Scotland) Act 2012 (asp 5) (warrant to place a caveat) comes into force shall not have any effect in rendering—
- (a) any land or lease for which there is a title sheet in the Land Register of Scotland, or
  - (b) any heritable security the particulars of which are entered in a title sheet in that register,
- litigious or in placing in bad faith any person acquiring such land, lease or heritable security.”.



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- (5) In schedule B (notice of title), in note 8—
- (a) for “Subscription of the document” substitute “In the case of a traditional document, subscription of it”,
  - (b) after “1995” insert “, which also makes provision as regards the authentication of an electronic document”.
- (6) The title of schedule B becomes “Forms of notice of title: Register of Sasines”.

*Burgh Registers (Scotland) Act 1926 (c.50)*

- 10 The Burgh Registers (Scotland) Act 1926 is repealed.

*Public Registers and Records (Scotland) Act 1948 (c.57)*

- 11 Section 4 of the Public Registers and Records (Scotland) Act 1948 is repealed.

*Land Drainage (Scotland) Act 1958 (c.24)*

- 12 In section 18(1) of the Land Drainage (Scotland) Act 1958 (interpretation), in the definition of “long lease”, after “being,” insert “registered in the Land Register of Scotland or”.

*Harbours Act 1964 (c.40)*

- 13 In section 57(1) of the Harbours Act 1964 (interpretation), in the definition of “long lease”, after “being,” insert “registered in the Land Register of Scotland or”.

*Succession (Scotland) Act 1964 (c.41)*

- 14 In section 21A(a) of the Succession (Scotland) Act 1964 (evidence as to testamentary documents in commissary proceedings), for “or 4” substitute “or 9D”.

*Industrial and Provident Societies Act 1965 (c.12)*

- 15 (1) The Industrial and Provident Societies Act 1965 is amended as follows.
- (2) In section 29D(1) (execution of documents: Scotland), after “subscribed” insert “(or, in the case of an electronic document, authenticated)”.
  - (3) In section 29G(2)(a) (authorisation of use of official seal), after “subscribed” insert “or authenticated”.
  - (4) In schedule 3 (form of receipt on mortgage, heritable security etc.), in Part 2, in the note to each of forms C, D and E—
    - (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”.
  - (5) In schedule 4 (forms of bond for officers of society), in Part 2, in the note to form C—
    - (a) for “Subscription of the document” substitute “In the case of a traditional document, subscription of it”,

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- (b) after “1995” insert “, which also makes provision as regards the authentication of an electronic document”.

*Gas Act 1965 (c.36)*

- 16 In section 28(1) of the Gas Act 1965 (interpretation of Part 2 of the Act), in the definition of “long lease” for the purposes of the definition of “owner”, after “being,” insert “registered in the Land Register of Scotland or”.

*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”,

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- (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”,
  - (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”,

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- (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”,
  - (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 grantor of it” substitute “In the case of a traditional document, subscription of it by the grantor”,
    - (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 assignment, 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—

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- (i) after first “by” insert “registration of the security in the Land Register of Scotland or”,
    - (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”.

*Prescription and Limitation (Scotland) Act 1973 (c.52)*

- 18 (1) The Prescription and Limitation (Scotland) Act 1973 is amended as follows.
- (2) In section 1 of the Prescription and Limitation (Scotland) Act 1973 (c.52) (validity of right), for subsection (1)(b) substitute—
- “(b) the registration of a deed which is sufficient in respect of its terms to constitute in favour of that person a real right in—
    - (i) that land; or
    - (ii) land of a description habile to include that land.”.
- (3) In section 2 (special cases)—

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- (a) in subsection (1)(b), for “recorded or not” substitute “or not registered or recorded”,
  - (b) in subsection (2)(b), after “been” insert “registered or”,
  - (c) in subsection (3), for “section 3(3) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “section 20B or 20C of the Registration of Leases (Scotland) Act 1857 (c.26)”.
- (4) In section 5 (further provision supplementary to sections 1, 2 and 3 of the Prescription and Limitation (Scotland) Act 1973), after subsection (1) insert—
- “(1A) Any reference in those sections to a real right’s being exempt from challenge as from the expiration of some continuous period is to be construed, if the real right of the possessor was void immediately before that expiration, as including reference to acquisition of the real right by the possessor.”.
- (5) In section 15(1) (interpretation of Part 1 of the Act), at end insert “and to the registering of a deed are to the registering thereof in the Land Register of Scotland”.
- (6) In paragraph 1 of schedule 1 (obligations affected by prescriptive periods of 5 years under section 6 of that Act), after sub-paragraph (ac) insert—
- “(ad) to any obligation of the Keeper of the Registers of Scotland to pay compensation by virtue of section 84 of the Land Registration etc. (Scotland) Act 2012 (asp 5);
  - (ae) to any obligation to pay compensation by virtue of section 111 of that Act;”.
- (7) In paragraph 2 of that schedule (obligations which, notwithstanding paragraph 1 of the schedule, are not affected by prescriptive periods of 5 years under section 6 of that Act), in sub-paragraph (e)—
- (a) for “or (ac)” substitute “, (ac), (ad), or (ae)”,
  - (b) after “servitude)” insert “and any obligation of the Keeper of the Registers of Scotland to pay compensation by virtue of section 77 or 94 of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.
- (8) In schedule 3 (rights and obligations which are imprescriptible for certain purposes of that Act) after sub-paragraph (h) insert—
- “(i) any obligation of the Keeper of the Registers of Scotland to rectify an inaccuracy in the Land Register of Scotland”.

*Land Registration (Scotland) Act 1979 (c.33)*

- 19 (1) The Land Registration (Scotland) Act 1979 is amended as follows.
- (2) Sections 1 to 14 are repealed.
- (3) In section 15 (simplification of deeds relating to registered interests)—
- (a) subsections (1) to (3) are repealed,
  - (b) in subsection (4)—
    - (i) for “registered interest in land” substitute “plot of land or lease registered in the Land Register of Scotland”,
    - (ii) for “that interest” substitute “the plot or lease”.
- (4) Section 19 is repealed.

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- (5) Sections 23 to 28 are repealed.
- (6) In section 29(3) (references to recording to include references to registering), paragraph (b) is repealed.
- (7) Section 30 is repealed.
- (8) Schedule 2 is repealed.
- (9) In schedule 3 (enactments not affected by section 29(2))—
  - (a) paragraphs 3, 4, 10, 12 and 13 are repealed,
  - (b) in paragraph 5, for paragraphs (a) to (d) substitute “The Whole Act.”,
  - (c) in paragraph 6—
    - (i) for paragraph (d) substitute—
      - “(d) Section 12
      - (da) Section 14”,
    - (ii) paragraph (e) is repealed,
  - (d) in paragraph 7, paragraphs (a), (c) to (f), (i) and (j)) are repealed,
  - (e) in paragraph 8, paragraph (b) is repealed,
  - (f) in paragraph 11—
    - (i) in paragraph (a), repeal “and note 2 to Schedule K”,
    - (ii) paragraphs (d) and (e) are repealed,
    - (iii) in paragraph (f), for “24(3)” to the end substitute “24(2) and (3) and that part of subsection (5) from the words “provided that” to the end”,
    - (iv) for paragraph (g) substitute—
      - “(ga) Section 46”,
    - (v) after paragraph (i) insert—
      - “(j) Schedule J”,
  - (g) in paragraph 16, for paragraphs (a) and (b) substitute “The Whole Act.”.
- (10) Schedule 4 is repealed.

*Education (Scotland) Act 1980 (c.44)*

- 20 In section 16(2) of the Education (Scotland) Act 1980 (transference of denominational schools to education authorities)—
- (a) for paragraphs (a) and (b) substitute “by registration in the Land Register of Scotland of an ordinary disposition or other deed of conveyance by the persons vested with the title”,
  - (b) for “the recording of the deed of conveyance or, as the case may be,” substitute “such”.

*Water (Scotland) Act 1980 (c.45)*

- 21 (1) The Water (Scotland) Act 1980 is amended as follows.
- (2) In section 58(5) (termination of right to supply of water on special terms), for “record” to the end substitute “—
- (a) register in the Land Register of Scotland any agreement entered into, or order made, under the foregoing provisions of this section

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terminating an obligation to which this section applies if the obligation was itself registered in the Land Register, or

- (b) record in the Register of Sasines any such agreement or order if the obligation was itself recorded in the Register of Sasines.”.

- (3) In section 68(2) (agreements as to drainage), for “recorded in the appropriate” substitute “registered in the Land Register of Scotland or recorded in the”.

- (4) Section 109(5) is repealed.

*Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c.59)*

- 22 In section 13(8) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (transfer of tenancy), in the definition of “long lease”, for “section 28(1) of the Land Registration (Scotland) Act 1979” substitute “section 9(2) of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.

*Civil Aviation Act 1982 (c.16)*

- 23 In section 55 of the Civil Aviation Act 1982 (c.16) (registration of orders etc. under Part 2 of the Act)—
- (a) in subsection (2), repeal “in the Land Register of Scotland”,
- (b) in subsection (3), for second “as” to “interest” substitute “, and on being registered shall be enforceable against any person having or subsequently acquiring any right”,
- (c) for subsection (4) substitute—
- “(4) References in—
- (a) subsection (2) above to registering a grant or agreement, or
- (b) subsection (3) above to registering an instrument,
- are to registering it in the Land Register of Scotland or, as the case may be, to recording it in the Register of Sasines.”.

*Litter Act 1983 (c.35)*

- 24 In section 8 of the Litter Act 1983 (provisions supplementary to section 7 of the Act)—
- (a) in subsection (3)—
- (i) repeal “Subject to subsection (4) below,”,
- (ii) for the words from “be registered” to “so registered” substitute “—
- (a) if the land is registered in the Land Register of Scotland, be registered in that register, and
- (b) in any other case, be recorded in the Register of Sasines,
- and if the agreement is so registered or recorded it”,
- (b) subsection (4) is repealed.

*Health and Social Services and Social Security Adjudications Act 1983 (c.41)*

- 25 In section 23(1) of the Health and Social Services and Social Security Adjudications Act 1983 (arrear of contributions secured over interest in land in Scotland),



for “Land Registration (Scotland) Act 1979” substitute “Land Registration etc. (Scotland) Act 2012”.

*Telecommunications Act 1984 (c.12)*

26 In schedule 4 of the Telecommunications Act 1984 (minor and consequential amendments), paragraph 71 is repealed.

*Matrimonial and Family Proceedings Act 1984 (c.42)*

27 In schedule 1 of the Matrimonial and Family Proceedings Act 1984 (minor and consequential amendments), paragraph 28 is repealed.

*Bankruptcy (Scotland) Act 1985 (c.66)*

- 28 (1) The Bankruptcy (Scotland) Act 1985 is amended as follows.
- (2) In section 5 (sequestration of estate of a living or deceased debtor), in subsection (4AA)(a)(ii), for “28(1) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “9(2) of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.
- (3) In schedule 7 (consequential amendments), paragraph 15 is repealed.

*Housing Associations Act 1985 (c.69)*

29 In section 68(6) of the Housing Associations Act 1985 (loans by Public Works Loan Commissioners: Scotland), after “lease” insert “registered or”.

*Law Reform (Miscellaneous Provisions)(Scotland) Act 1985 (c.73)*

- 30 In section 8 of the Law Reform (Miscellaneous Provisions)(Scotland) Act 1985 (rectification of defectively expressed documents)—
- (a) in subsection (7), at end insert “except that this subsection is subject to subsection (8A) below.”,
- (b) after subsection (8) insert—
- “(8A) A notice under subsection (7) above registered on or after the date on which section 67 of the Land Registration etc. (Scotland) Act 2012 (asp 5) (warrant to place a caveat) comes into force shall not have any effect in rendering litigious any land for which there is a title sheet in the Land Register of Scotland or in placing in bad faith any person acquiring such land.”.

*Electricity Act 1989 (c.29)*

31 In schedule 16 to the Electricity Act 1989 (minor and consequential amendments), paragraph 23 is repealed.

*Property Misdescriptions Act 1991 (c.29)*

32 In section 1 of the Property Misdescriptions Act 1991 (offence of property misdescription)—

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- (a) in subsection (6)(b), for “an “interest” to the end substitute “any right in or over land (“right in or over land” including ownership and any heritable security or servitude but excluding any lease which is not a long lease).”;
- (b) after subsection (6) insert—
  - “(6A) In subsection (6)(b), “long lease” has the meaning given by section 9(2) of the Land Registration etc. (Scotland) Act 2012 (asp 5).”.

*Agricultural Holdings (Scotland) Act 1991 (c.55)*

- 33 In section 75(1) of the Agricultural Holdings (Scotland) Act 1991 (power of tenant and landlord to obtain charge on holding), after “recorded” insert “or registered”.

*Coal Industry Act 1994 (c.21)*

- 34 In the Coal Industry Act 1994, in schedule 9 (minor and consequential amendments), paragraph 20 is repealed.

*Land Registers (Scotland) Act 1995 (c.14)*

- 35 In section 1 of the Land Registers (Scotland) Act 1995 (prepayment of recording and registration fees)—
- (a) in subsection (1), for “payment” to the end substitute “—
    - (a) such fee as is payable in that respect by virtue of section 110 of the Land Registration etc. (Scotland) Act 2012 (asp 5) is paid, or
    - (b) arrangements satisfactory to the Keeper are made for payment of that fee.”;
  - (b) subsection (3) is repealed.

*Petroleum Act 1998 (c.17)*

- 36 In section 5(9) of the Petroleum Act 1998 (existing licences), after “subscribed” insert “or authenticated”.

*Public Finance and Accountability (Scotland) Act 2000 (asp 1)*

- 37 In section 9(1) of the Public Finance and Accountability (Scotland) Act 2000 (Keeper of the Registers of Scotland: financial arrangements), for “section 25 of the Land Registers (Scotland) Act 1868 (c.64)” substitute “section 110 of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.

*Adults with Incapacity (Scotland) Act 2000 (asp 4)*

- 38 (1) The Adults with Incapacity (Scotland) Act 2000 is amended as follows.
- (2) In section 56(7) (registration of intervention order relating to heritable property, for “the updated Land Certificate or an office copy thereof” substitute “an extract of the updated title sheet”.

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- (3) In section 61(7) (registration of guardianship order relating to heritable property), for “the updated Land Certificate or an office copy thereof” substitute “an extract of the updated title sheet”.

*Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)*

- 39 (1) The Abolition of Feudal Tenure etc. (Scotland) Act 2000 is amended as follows.
- (2) Section 4 is repealed.
- (3) In section 18A(8)(b) (personal pre-emption burdens and personal redemption burdens), for “15(3) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “101 of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.
- (4) Section 46 is repealed.
- (5) In section 63(2) (baronies and other dignities and offices), for “an interest in land for the purposes of the Land Registration (Scotland) Act 1979 (c.33) or a right as respects which a deed can be” substitute “a right as respects which a deed can be registered in the Land Register of Scotland or”.
- (6) Section 65 is repealed.
- (7) In section 65A (sporting rights), subsection (12) is repealed.
- (8) In section 73 (feudal terms in enactments and documents: construction after abolition of feudal system)—
- (a) in subsection (1)—
- (i) repeal “or” immediately after paragraph (c),
- (ii) after paragraph (d) insert “or
- (e) in an extract or certified copy issued under section 104 of the Land Registration etc. (Scotland) Act 2012 (asp 5),”;
- (b) in subsection (2)(b), for “subsection (1)(d)” substitute “paragraph (d) of, or extract or certified copy such as is mentioned in paragraph (e) of, subsection (1)”.
- (9) In schedule 11 (form of assignation, discharge or restriction of reserved right to claim compensation), repeal “section 3 of”.

*Standards in Scotland's Schools etc. Act 2000 (asp 6)*

- 40 In section 58(1) of the Standards in Scotland's Schools etc. Act 2000 (interpretation), in the definition of “land”, for “interests in land (within the meaning of the Land Registration (Scotland) Act 1979 (c.33)” substitute “rights registered in the Land Register of Scotland”.

*National Parks (Scotland) Act 2000 (asp 10)*

- 41 In section 15 of the National Parks (Scotland) Act 2000 (management agreements)—
- (a) in subsection (1), for “an interest” substitute “a right”,
- (b) for subsection (5) substitute—
- “(5) A management agreement which affects a right in land which is—

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- (a) a right registered in the Land Register of Scotland, may be registered in that register,
- (b) a right registrable (but not registered) in that register, may be recorded in the Register of Sasines.”,
- (c) subsection (10) is repealed.

*Housing (Scotland) Act 2001 (asp 10)*

- 42 In the Housing (Scotland) Act 2001—
- (a) in section 23(1)(b) (tenant’s right to written tenancy agreement and information), after “subscribed” insert “or authenticated”,
  - (b) in section 24(3) (restriction on variation of tenancy), after “subscribed” insert “or authenticated”.

*Title Conditions (Scotland) Act 2003 (asp 9)*

- 43 (1) The Title Conditions (Scotland) Act 2003 is amended as follows.
- (2) In section 4 (creation of real burdens), in subsection (1), repeal “, notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
  - (3) In section 41(b) (deed granted by holder of conservation burden without completing title), for “15(3) of the 1979 Act” substitute “101 of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.
  - (4) Sections 51 and 58 are repealed.
  - (5) In section 60 (grant of deed where title not completed: requirements)—
    - (a) in subsection (1), for “15(3) of the 1979 Act” substitute “101 of the Land Registration etc. (Scotland) Act 2012 (asp 5)”,
    - (b) in subsection (2), repeal “or with section 15(3) of the 1979 Act”.
  - (6) In section 71 (development management scheme), in subsection (1), repeal “, notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
  - (7) In section 73 (disapplication of development management schemes), in subsection (1)(b), repeal “notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
  - (8) In section 75 (creation of positive servitudes by writing: deed to be registered), in subsection (2), repeal “, notwithstanding section 3(4) of the 1979 Act (creation of real right or obligation on date of registration etc.)”.
  - (9) In section 84(2) (extinction following offer to sell), after “section 2” insert “or 9B”.
  - (10) In section 119 (savings and transitional provisions etc.), subsection (2) is repealed.
  - (11) In section 122 (interpretation)—
    - (a) in subsection (1)—
      - (i) in the definition of “constitutive deed”, after “is” insert “, subject to subsection (4) below”,

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- (ii) in the definition of “title condition”, in paragraph (e)(i), for “assignment of” substitute “assignments of registered or”,
- (b) after subsection (3) insert—

“(4) If title is completed in the manner provided for in section 4 or 4A of the Conveyancing (Scotland) Act 1924 (c.27) (completion of title) and a midcouple relevant to the title sets out the terms of a title condition (or of a prospective title condition), then for the purposes of this Act the midcouple and notice of title are together the constitutive deed of the title condition.”.

#### *Civil Partnership Act 2004 (c.33)*

- 44 In section 112(9) of the Civil Partnership Act 2004 (transfer of tenancy), in the definition of “long lease”, for “28(1) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “9(2) of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.

#### *Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 (asp 10)*

- 45 In section 16 of the Stirling-Alloa-Kincardine Railway and Linked Improvements Act 2004 (rights in roads or public places), for subsection (3) substitute—
- “(3) The powers conferred by this section constitute a real right.”.

#### *Tenements (Scotland) Act 2004 (asp 11)*

- 46 (1) The Tenements (Scotland) Act 2004 is amended as follows.
- (2) In section 1(2)(b) (determination of boundaries and pertinents)—
    - (a) repeal “an interest in”,
    - (b) for “title sheet of that interest” substitute “relevant title sheet”.
  - (3) In paragraph 1(6) of schedule 3 (sale under section 22(3) or 23(1) of the Act), for paragraph (a) substitute—
    - “(a) where the flat or former flat has been registered in the Land Register of Scotland, the description refers to the number of the title sheet;”.

#### *Edinburgh Tram (Line Two) Act 2006 (asp 6)*

- 47 In section 25 of the Edinburgh Tram (Line Two) Act 2006 (rights under or over roads), for subsection (5) substitute—
- “(5) The powers conferred by this section constitute a real right.”.

#### *Edinburgh Tram (Line One) Act 2006 (asp 7)*

- 48 In section 25 of the Edinburgh Tram (Line One) Act 2006 (rights under or over roads), for subsection (5) substitute—
- “(5) The powers conferred by this section constitute a real right.”.

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*Waverley Railway (Scotland) Act 2006 (asp 13)*

49 In section 16 of the Waverley Railway (Scotland) Act 2006 (rights in roads or public places), for subsection (3) substitute—

“(3) The powers conferred by this section constitute a real right.”.

*Companies Act 2006 (c.46)*

50 (1) The Companies Act 2006 is amended as follows.

(2) In section 48(3) (execution of documents by companies), after “subscribed” insert “(or, in the case of an electronic document, authenticated)”.

(3) In section 49(4)(b), after “subscribed” insert “or authenticated”.

(4) In section 1022(6)(b) (protection of persons holding under a lease), for “Land Registration (Scotland) Act 1979 (c.33)” substitute “Land Registration etc. (Scotland) Act 2012 (asp 5)”.

*Glasgow Airport Rail Link Act 2007 (asp 1)*

51 In section 15 of the Glasgow Airport Rail Link Act 2007 (rights in roads), for subsection (3) substitute—

“(3) The powers conferred by this section constitute a real right.”.

*Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)*

52 (1) The Bankruptcy and Diligence etc. (Scotland) Act 2007 is amended as follows.

(2) In section 85 (restriction on priority of ranking of certain securities), in new section 13A (to be inserted in the Conveyancing and Feudal Reform (Scotland) Act 1970 (c.35)), in subsection (1)(a), after “duly” insert “registered or”.

(3) In section 128(1) (interpretation of chapter 2 of Part 4), in the definition of “long lease”, for “28(1) of the Land Registration (Scotland) Act 1979 (c.33)” substitute “9(2) of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.

*Edinburgh Airport Rail Link Act 2007 (asp 16)*

53 (1) The Edinburgh Airport Rail Link Act 2007 is amended as follows.

(2) In section 9(1) (registration of vested land), for “section 4 of the Land Registration (Scotland) Act 1979 (c.33)” substitute “Part 2 of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.

(3) In section 20 (rights in roads or public places), for subsection (6) substitute—

“(6) The powers conferred by this section constitute a real right.”.

*Airdrie-Bathgate Railway and Linked Improvements Act 2007 (asp 19)*

54 (1) The Airdrie-Bathgate Railway and Linked Improvements Act 2007 is amended as follows.

- (2) In section 9(1) (registration of vested land), for “section 4 of the Land Registration (Scotland) Act 1979 (c.33)” substitute “Part 2 of the Land Registration etc. (Scotland) Act 2012 (asp 5)”.
- (3) In section 20 (rights in roads or public places), for subsection (6) substitute—
- “(6) The powers conferred by this section constitute a real right.”.

*Energy Act 2008 (c.32)*

- 55 In section 77(7) of the Energy Act 2008 (model clauses of petroleum licences), after “subscribed” insert “or authenticated”.