



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 1

THE LAND REGISTER

Title sheets and the title sheet record

3 Title sheets and the title sheet record

- (1) The Keeper must make up and maintain a title sheet for each registered plot of land.
- (2) The Keeper may make up and maintain a title sheet for a registered lease.
- (3) The title sheet record is the totality of all such title sheets.
- (4) A plot of land is an area or areas of land all of which are owned by one person, or one set of persons.
- (5) A separate tenement constitutes a plot of land for the purposes of this Act.
- (6) Subject to subsections (2) and (7), there is to be only one title sheet for each plot of land.
- (7) The Keeper need not make up and maintain a title sheet for a plot of land which is a pertinent of another plot of land (or of two or more other plots of land) but may instead include it in the title sheet of the other plot or plots of land of which it is a pertinent.

4 Title and lease title numbers

- (1) The Keeper must assign a title number to—
 - (a) the title sheet of each registered plot of land, and
 - (b) where a registered lease has a title sheet, to that title sheet.
- (2) A title number is an unique identifier consisting of numerals or of letters and numerals.

5 Structure of title sheets

- (1) A title sheet is to comprise—

- (a) a property section,
- (b) a proprietorship section,
- (c) a securities section, and
- (d) a burdens section.

(2) A section of a title sheet may be sub-divided if and as the Keeper considers appropriate.

6 The property section of the title sheet

(1) The Keeper must enter in the property section of the title sheet—

- (a) a description—
 - (i) of the plot of land (being a description by reference to the cadastral map),
 - (ii) of the nature of the proprietor’s right in the plot of land, and
 - (iii) if the plot is a separate tenement, of the nature of the tenement,
- (b) the particulars of any incorporeal pertinents (including, if there is a burdened property, the particulars of that property in so far as known),
- (c) any agreement registered under section 66(2),
- (d) any entry required under section 18(2)(a) or paragraph 7(a) of schedule 1,
- (e) if the title sheet is a lease title sheet, the particulars of the lease, and
- (f) where there is for the area of land another title sheet (as for example for a plot which is a separate tenement), the title number of that other title sheet.

(2) Paragraph (f) of subsection (1) does not apply where the other title sheet is the title sheet of a flat in a flatted building.

7 The proprietorship section of the title sheet

(1) The Keeper must enter in the proprietorship section of the title sheet—

- (a) the name and designation of the proprietor, and
- (b) in the case of ownership in common, the respective shares of the proprietors.

(2) Paragraph (a) of subsection (1) is subject to section 18(1)(b) and to paragraph 6(b) of schedule 1; and paragraph (b) of that subsection is subject to sections 16(2)(b) and 18(2)(b), to paragraph 7(b) of schedule 1 and to paragraphs 8(b) and 10 of schedule 4.

8 The securities section of the title sheet

(1) The Keeper must enter in the securities section of the title sheet particulars of any heritable security over the right in land to which the title sheet relates (including the name and designation of the creditor in the security).

(2) This section is subject to section 18(3)(b) and to paragraph 8(b) of schedule 1.

9 The burdens section of the title sheet

(1) The Keeper must enter in the burdens section of the title sheet—

- (a) where the right in land to which the title sheet relates is encumbered with a title condition—
 - (i) the terms of the title condition,

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- (ii) a description of any benefited property (in so far as known to the Keeper), and
 - (iii) if the title condition is a personal real burden, the name and designation of the person who has title to enforce it,
- (b) where there is a long lease (other than a long sub-lease) which has real effect, that fact,
 - (c) in a case where the title sheet is a lease title sheet, where there is a long sub-lease (other than a long sub-sub-lease) which has real effect, that fact,
 - (d) in so far as known to the Keeper, any public right of way (by whatever means) over or through the land,
 - (e) particulars of any path order made under section 22 of the Land Reform (Scotland) Act 2003 (asp 2) (compulsory powers to delineate paths in land in respect of which access rights are exercisable), and
 - (f) any other encumbrance the inclusion of which in the register is permitted or required, expressly or impliedly, by an enactment and the name and designation of the person who has title to enforce that encumbrance.
- (2) In subsection (1)—
- “encumbrance” does not include a heritable security,
 - “long lease” means—
- (a) a lease exceeding 20 years, or
 - (b) a lease which includes provision (however expressed) requiring the landlord to renew the lease at the tenant’s request as a result of which (and without any subsequent agreement express or implied between the landlord and tenant) the total duration could exceed 20 years.
- (3) This section is subject to section 18(4) and to paragraph 9 of schedule 1.

10 What is entered or incorporated by reference in a title sheet

- (1) The Keeper must, in addition to what is to be entered under sections 6 to 9, enter the matters mentioned in subsection (2) in a title sheet.
- (2) The matters are—
- (a) any statement made by virtue of any of subsections (3) and (4)(b) of section 75 or subsection (5)(a) of section 76,
 - (b) particulars of any special destination,
 - (c) a reference to an entry in the Register of Inhibitions made under section 32(2),
 - (d) the terms of any caveat, warrant for which is granted under section 67(3), and
 - (e) such other information (if any) as the Keeper considers appropriate.
- (3) The Keeper may incorporate by reference in a title sheet—
- (a) a document in the archive record, or
 - (b) a deed in any other register under the management and control of the Keeper or of the Keeper of the Records of Scotland.
- (4) The Keeper must not enter or incorporate by reference in a title sheet any rights or obligations except in so far as their entry is authorised by an enactment.
- (5) The entry or incorporation by reference in a title sheet of any right or obligation, in so far as not so authorised—

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- (a) does not constitute notice of that right or obligation, and
 - (b) is without any other effect.
- (6) Subsection (2)(b) is subject to section 18(3)(c) and to paragraph 8(c) of schedule 1.