



# Land Registration etc. (Scotland) Act 2012

## 2012 asp 5

### PART 1

#### THE LAND REGISTER

##### *The Land Register of Scotland*

#### **1 The Land Register of Scotland**

- (1) There is to continue to be a public register of rights in land in Scotland (which is to continue to be known as the “Land Register of Scotland”).
- (2) The register is to continue to be under the management and control of the Keeper of the Registers of Scotland.
- (3) The register is to continue to have a seal.
- (4) Subject to the provisions of this Act, the register is to be in such form (which may be, or be in part, an electronic form) as the Keeper considers appropriate.
- (5) The Keeper must take such steps as appear reasonable to the Keeper to protect the register from—
  - (a) interference,
  - (b) unauthorised access, and
  - (c) damage.

##### *Structure and contents of the register*

#### **2 The parts of the register**

- The Keeper must make up and maintain, as parts of the register—
- (a) the title sheet record,
  - (b) the cadastral map,
  - (c) the archive record, and
  - (d) the application record.

### *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,
    - (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—

- (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.

### *The cadastral map*

## **11 The cadastral map**

(1) The cadastral map is a map—

- (a) showing the totality of registered geospatial data (other than supplementary data in individual title sheets),
- (b) showing for each cadastral unit—
  - (i) the cadastral unit number,
  - (ii) the boundaries of the unit, and
  - (iii) the title number of any registered lease relating to the unit, and
- (c) otherwise depicting registered rights in such manner as the Keeper considers appropriate.

- (2) A cadastral unit which represents a separate tenement must be shown on the map in such a way as will distinguish it as a cadastral unit from other units.
- (3) The cadastral map may (but need not) show the boundaries of cadastral units on the vertical plane.
- (4) The cadastral map may contain such other information as the Keeper considers appropriate.
- (5) The cadastral map must be based upon the base map.
- (6) The base map is—
  - (a) the Ordnance Map,
  - (b) another system of mapping, being a system which accords with such requirements as the Scottish Ministers may, by order, prescribe, or
  - (c) a combination of the Ordnance map and such other system.
- (7) On the base map being updated, the Keeper must make any changes to the register which are necessary in consequence of the updating.
- (8) For the purposes of subsection (1)(a), the Keeper may determine what data is supplementary data.
- (9) This section and sections 12 and 13 are without prejudice to section 16.

## **12 Cadastral units**

- (1) A cadastral unit is a unit which represents a single registered plot of land.
- (2) Subject to subsection (3), the same area of land cannot be represented by more than one cadastral unit.
- (3) The Keeper need not represent a plot of land such as is mentioned in section 3(7) as a separate cadastral unit but may instead include it in the cadastral unit representing the plot or plots of land of which it is a pertinent.
- (4) The Keeper must assign a cadastral unit number to each cadastral unit.
- (5) The cadastral unit number is to be the title number of the plot of land which that unit represents.

## **13 The cadastral map: further provision**

- (1) Where a plot of land—
  - (a) lies wholly outwith the base map, or
  - (b) extends partly outwith the base map,the Keeper may adopt such means of representing the boundaries on the cadastral map as the Keeper considers appropriate.
- (2) The Keeper may—
  - (a) combine cadastral units,
  - (b) remove a cadastral unit from the map, or
  - (c) divide a cadastral unit.

- (3) On dividing a cadastral unit under subsection (2)(c), the Keeper may combine any of the resultant parts with a different cadastral unit.
- (4) The Keeper must make such changes to the register as are necessary in consequence of anything done under subsections (2) and (3).

*The archive record*

**14 The archive record**

- (1) The archive record is to consist of—
  - (a) copies of all documents submitted to the Keeper,
  - (b) copies of all documents which the Keeper is required to include under land register rules, and
  - (c) copies of such other documents as the Keeper considers appropriate.
- (2) The Keeper must also include in the archive record such information as is required for the purposes of section 104.
- (3) But the Keeper need not include in the archive record a copy of—
  - (a) any enactment, or
  - (b) any document comprised in any other register under the management and control of the Keeper or of the Keeper of the Records of Scotland.
- (4) A fact which can be discovered from the archive record is not, by reason only of that circumstance, a fact which a person ought to know.

*The application record*

**15 The application record**

The application record is to consist of all—

- (a) applications for registration as are for the time being pending, and
- (b) advance notices as are for the time being extant.

*Tenements etc.*

**16 Tenements and other flatted buildings**

- (1) Where the Keeper considers it appropriate in relation to a flatted building to do so, the Keeper may, instead of representing each registered flat in the building as a separate cadastral unit, represent the building and all the registered flats in it as a single cadastral unit.
- (2) Where a flatted building and the registered flats in it are represented as a single cadastral unit—
  - (a) the cadastral map must show, for that cadastral unit, the title numbers of each registered flat, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the respective pro indiviso shares in the pertinents of the registered flats need not be entered in the proprietorship section of the title sheet of any of those flats.
- (3) But subsections (1) and (2) do not apply in relation to land pertaining to the flatted building which—
- (a) extends more than 25 metres from the building in so far as it so extends, or
  - (b) is further than 25 metres from the building (measuring along a horizontal plane from whatever point of that building is nearest to the land).
- (4) In this Act a “flatted building” means—
- (a) a tenement, or
  - (b) any other subdivided building.
- (5) A “subdivided building”—
- (a) means a building or part of a building, not being a tenement, which comprises two or more related flats, at least two of which—
    - (i) are, or are designed to be, in separate ownership, and
    - (ii) are divided from each other vertically, and
  - (b) includes the solum and any other land pertaining to the building or part of the building.
- (6) In determining whether flats comprised in a subdivided building are related, the Keeper must have regard, among other things, to—
- (a) the title to the building, and
  - (b) any real burdens.
- (7) In subsection (6), “title to the building” means—
- (a) any conveyance, or reservation, of property which affects the subdivided building, any flat in the building or any pertinent of the building or of any such flat, and
  - (b) the relevant title sheet of the building, any flat in it or any pertinent of the building or of any such flat.
- (8) Expressions used in this section and in sections 26 and 29 of the Tenements (Scotland) Act 2004 ([asp 11](#)) have the meanings given in that Act.

### *Shared plots*

## **17 Shared plots**

- (1) This section applies where a plot of land—
- (a) is owned in common by the proprietors of two or more other plots of land by virtue of their ownership of those other plots,
  - (b) is not owned in common by anyone else.
- (2) The Keeper may, if the Keeper considers it appropriate, designate the title sheet of the plot of land to be a “shared plot title sheet”.
- (3) In this section and in sections 18 and 19—
- (a) references to a “shared plot” are to a plot of land the title sheet of which is designated under subsection (2),

- (b) references to the “sharing plots” are to the other plots of land the proprietors of which own the shared plot in common.
- (4) Unless the context otherwise requires, any reference in a document to a sharing plot is to be taken to include a reference to the share in the shared plot which pertains to the sharing plot.
- (5) Registration has the same effect in relation to a share in a shared plot which pertains to a sharing plot as it has in relation to the sharing plot (except in so far as may otherwise be provided in the deed registered).

## **18 Shared plot and sharing plot title sheets**

- (1) The Keeper must enter—
  - (a) in the property section of the title sheet of each of the sharing plots, the title number of the shared plot title sheet,
  - (b) in the proprietorship section of the shared plot title sheet, the title numbers of the title sheets of each of the sharing plots.
- (2) The Keeper must also enter—
  - (a) in the property section of the title sheet of each sharing plot, the quantum of the share which the proprietor of that sharing plot has in the shared plot,
  - (b) in the proprietorship section of the shared plot title sheet, in relation to the information required by section 7(1)(b), the respective share each sharing plot has in the shared plot,
  - (c) in the securities section of that title sheet, a statement to the effect that the shared plot may be subject to a heritable security registered against a sharing plot,
  - (d) in the burdens section of that title sheet, a statement to the effect that the shared plot may be subject to some other encumbrance so registered.
- (3) The Keeper must not enter in or, if entered, must omit from—
  - (a) the proprietorship section of the shared plot 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 plot only,
  - (c) that title sheet, any matter that would otherwise be required under section 10(2)(b).
- (4) The Keeper may, if the condition mentioned in subsection (5) is satisfied and the Keeper considers it appropriate, omit from the burdens section of the shared plot title sheet any entry which would otherwise be required under section 9(1).
- (5) The condition is that the encumbrance to which the entry would relate is (or falls to be) registered against each of the sharing plots.

## **19 Conversion of shared plot title sheet to ordinary title sheet**

- (1) The Keeper may at any time revoke a designation under section 17(2) of a title sheet as a shared plot title sheet.



- (2) Where the Keeper revokes a designation, the Keeper must make such changes to the title sheets of the plots of land that were, in relation to the shared plot title sheet, the shared plot and the sharing plots as are consequential upon the revocation.

**20 Shared plot title sheets in relation to registered leases**

Schedule 1 makes provision for registered leases tenanted in common similar to that made by sections 17 to 19 for plots of land owned in common.