



# Land Registration etc. (Scotland) Act 2012

## 2012 asp 5

### PART 2

#### REGISTRATION

##### *Notification*

#### **40 Notification of acceptance, rejection or withdrawal of application**

- (1) On an application for registration being accepted or rejected, the Keeper must notify—
  - (a) the applicant,
  - (b) the granter of the deed sought to be registered (if any),
  - (c) if notification of receipt of the application was given under section 45(1), those to whom it was given, and
  - (d) any other person the Keeper considers appropriate.
- (2) On an application for registration being withdrawn, the Keeper must notify—
  - (a) the granter of the deed which had been sought to be registered (if any),
  - (b) if such notification as is mentioned in subsection (1)(c) was given, those to whom it was given, and
  - (c) any other person the Keeper considers appropriate.
- (3) The Keeper's duty to notify persons under subsections (1) and (2) only applies in so far as the Keeper considers it reasonably practicable to notify them.
- (4) Notification is to be by such means as the Keeper considers appropriate.
- (5) Land register rules may make further provision about notification under subsections (1) and (2).
- (6) A failure to comply with subsections (1) and (2) or with any rules so made does not affect the competence or validity of the acceptance, rejection or withdrawal in question.

#### **41 Notification to proprietor**

- (1) This section applies where—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the Keeper accepts an application under section 21 by virtue of it meeting the conditions in section 25, or
  - (b) the Keeper registers a plot of land under section 29.
- (2) The Keeper is to notify—
- (a) the proprietor of the plot, and
  - (b) any other person the Keeper considers appropriate.
- (3) The Keeper’s duty to notify persons under subsection (2) only applies in so far as the Keeper considers it reasonably practicable to notify them.
- (4) Notification is to be by such means as the Keeper considers appropriate.
- (5) Land register rules may make further provision about notification under subsection (2).
- (6) A failure to comply with subsection (2) or with any rules so made does not affect the competence or validity—
- (a) of the acceptance of the application in question, or
  - (b) of the registration of the plot of land in question.

#### **42 Notification to Scottish Ministers of certain applications**

- (1) This section applies where an application under section 21 is rejected on the ground that (or on grounds which include the ground that) the Keeper is not satisfied that the application does not relate to a transfer prohibited—
- (a) by section 40(1) of the Land Reform (Scotland) Act 2003 (asp 2) (effect of registration of community interest in land), or
  - (b) under section 37(5)(e) of that Act (prohibition pending determination as to whether a community interest in land is to be registered).
- (2) However, this section does not apply where the only reason for the Keeper not being satisfied as mentioned in subsection (1) is that the application is not accompanied by a declaration required under section 43(2) of that Act (incorporation of certain declarations into deed giving effect to transfer).
- (3) The Keeper must—
- (a) notify the Scottish Ministers, and
  - (b) provide them with a copy of the application.