SCOTTISH STATUTORY INSTRUMENTS

2014 No. 346

LAND REGISTRATION

The Land Registration etc. (Scotland) Act 2012 (Amendment and Transitional) Order 2014

Made - - - -	*2nd December 2014*
Coming into force - -	*8th December 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 110(1) and (2), 116(1) and 117 of the Land Registration etc. (Scotland) Act 2012(**a**) and all other powers enabling them to do so.

In accordance with section 110(3) of that Act, the Scottish Ministers have consulted the Keeper of the Registers of Scotland.

In accordance with section 116(3)(l) and (4)(b) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Land Registration etc. (Scotland) Act 2012 (Amendment and Transitional) Order 2014.

(2) It comes into force on 8th December 2014.

(3) In this Order, "the 2012 Act" means the Land Registration etc. (Scotland) Act 2012.

(**a**) 2012 asp 5 ("the 2012 Act"), amended by S.I. 2013/1575, the Co-operative and Community Benefit Societies Act 2014 (c.14), section 151(4) and Schedule 7, paragraph 1 and S.S.I. 2014/190.

Primary legislation

Modification of the Requirements of Writing (Scotland) Act 1995 and consequential amendment

2.—(1) In paragraph 1(1) of Schedule 4 to the Requirements of Writing (Scotland) Act 1995 (minor and consequential amendments – general adaptation)(**a**), for "9F(2)(**b**)", insofar as that reference is in force(**c**), substitute "9G(2)".

(2) In paragraph 27(a) of schedule 3 to the 2012 Act (amendment of the Requirements of Writing (Scotland) Act 1995), for "9F(2)" substitute "9G(2)".

The Land Registration etc. (Scotland) Act 2012 – evidence as to electronic testamentary documents in commissary proceedings

3. In paragraph 14 of schedule 5 to the 2012 Act (minor and consequential modification of the Succession (Scotland) Act 1964(**d**)), for "for "or 4" substitute "or 9D"" substitute "after "subscribed" insert "or under section 9C or 9D (or by virtue of section 9E(1)) of that Act to have been authenticated(**e**)"".

The Land Registration etc. (Scotland) Act 2012 – transitional provisions

4.—(1) In paragraph 11B of schedule 4 (transitional provisions on the assignation of registered leases: Sasine arrangements) to the 2012 Act(**f**), for "an assignation of a registered lease" substitute "a deed (except a sublease(**g**) or a notice of title(**h**)) which affects a lease title sheet(**i**)".

(2) The heading to that paragraph becomes "Certain deeds relating to registered leases: Sasine arrangements".

Secondary legislation

Amendment of the Land Register Rules etc. (Scotland) Regulations 2014

5. In the Land Register Rules etc. (Scotland) Regulations 2014(**j**), in Schedule 1, Part 4 (form of Application for Registration), Part A, under the heading "Payment Details", for "Annual rent", substitute "Relevant rent (the largest amount of annual rent within the first 10 years of its terms that can be quantified, or estimated where that amount cannot be quantified)".

(**a**) 1995 c.7, amended by the Petroleum Act 1998 (c.17), Schedule 5, Part 1, paragraph 1, the Scotland Act 1998 (c.46), Schedule 8, paragraph 31, S.I. 1999/1820, Schedule 2, Part 1, paragraph 118, the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), schedule 12, Part 1, paragraph 58, S.I. 2000/2040, Schedule, Part 1, paragraph 17, the Housing (Scotland) Act 2001 (asp 10), schedule 10, paragraph 22, S.S.I. 2001/128, Schedule 4, paragraphs 4 and 5, the Title Conditions (Scotland) Act 2003 (asp 9), schedule 15, paragraph 1, S.S.I. 2006/491, article 3, the Companies Act 2006 (c.46), Schedule 16, paragraph 1, the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), sections 48(1) and 222(2) and (3), S.I. 2008/948, Schedule 1, Part 2, paragraph 199, S.I. 2009/1941, Schedule 1, paragraph 151 and the 2012 Act, sections 96, 97 and 98 and schedule 3 and subject to transitional provision in article 3(2) of S.S.I. 2014/41.

(**b**) The reference to section 9F(2) was inserted by paragraph 27(a) of schedule 3 to the 2012 Act.

(**c**) By virtue of article 2 and Part 2 of the Schedule to S.S.I. 2014/41, the reference to section 9F(2) was not brought into force by that instrument for the purposes of any will, testamentary trust disposition and settlement or codicil.

(**d**) 1964 c.41 ("the 1964 Act"). Paragraph 14 amends section 21A of the 1964 Act (evidence as to testamentary documents in commissary proceedings) which was inserted by the Requirements of Writing (Scotland) Act 1995 (c.7) ("the 1995 Act"), Schedule 4, Part 2, paragraph 39.

(**e**) Sections 9C, 9D and 9E of the 1995 Act are inserted by section 97(2) of the 2012 Act.

(**f**) Paragraph 11B was inserted by article 6 of S.S.I. 2014/190.

(**g**) See section 24(4) of the 2012 Act.

(**h**) See section 24(6) of the 2012 Act.

(**i**) Defined in section 113(1) to mean a title sheet for a lease registered in the Land Register.

(**j**) S.S.I. 2014/150.

Amendment of the Registers of Scotland (Fees) Order 2014

6. In the Registers of Scotland (Fees) Order 2014(**a**), in Schedule 1, Part 1, paragraph 1(3)(c), after "disposition of" insert ", or a notice of title to,".

FERGUS EWING
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
2nd December 2014

(**a**) S.S.I. 2014/188.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the purposes of the Land Registration etc. (Scotland) Act 2012 ("the 2012 Act").

Article 2 amends paragraph 1(1) of Schedule 4 to the Requirements of Writing (Scotland) Act 1995 ("the 1995 Act") to correct a minor error. The 2012 Act is also amended as the relevant amendment to the 1995 Act in schedule 3 to the 2012 Act is only partially in force.

Article 3 amends the consequential amendment in paragraph 14 of schedule 5 to the 2012 Act of section 21A of the Succession (Scotland) Act 1964 on evidence of testamentary documents in commissary proceedings. It updates references to the sections of 1995 Act which contain presumptions on who has signed traditional or authenticated electronic documents.

Article 4 amends transitional provision for registered leases in paragraph 11B of schedule 4 to the 2012 Act (added by S.S.I. 2014/190) to permit the registration of deeds relating to registered leases, including standard securities, variations, renunciations, etc. where the subjects of the lease are not registered. An exception is made for subleases and notices of title as registration of those deeds is provided for in section 24(4) and (6) of the 2012 Act respectively.

Article 5 amends the Land Register Rules etc. (Scotland) Regulations 2014. The application for registration form is amended with the effect that the entry for annual rent is changed to relevant rent defined in accordance with the Registers of Scotland (Fees) Order 2014 ("the Fees Order").

Article 6 amends the Fees Order to insert provision for the charging of a fee (based on the consideration paid or the value of the land, whichever is the greater) for a notice of title to a registered plot of land.

© Crown copyright 2014

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland.

ISBN 978-0-11-102537-6

£4.25

S2014120215 12/2014 19585

http://www.legislation.gov.uk/id/ssi/2014/346