

Land Registration etc. (Scotland) Act 2012

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Pressure for change

- *“Nobody could accuse the Act of being well drafted”*- Lord Jauncey of Tullichettle
- *“obscure and difficult to understand”*- Lord Keith of Kinkel
- *“the Act has all the intellectual sharpness of mashed potato”* – Professor George Gretton

2012 Act overview

1. Puts on a statutory footing the policies and procedures employed by the Keeper
2. Provides a scheme for the completion of the Land Register
3. Re-aligns registration law with property law
4. Introduces a system of Advance Notices
5. Amends the Requirements of Writing (Scotland) Act 1995 to allow for electronic documents

New Statutory Footing

- puts on a sound statutory footing the system of land registration in Scotland that has evolved in practice due to the gaps in the Land Registration (Scotland) Act 1979.
 - 4 sections to title sheet
 - The Cadastral Map
 - The application and archive records

Completion of the Land Register

- On the Designated Day all transfers of title will become registrable in the Land Register
- Power to increase triggers
- Voluntary registrations
- Keeper Induced Registrations

An End to Bijuralism

- Registration law realigned with property law
- Dilution of the Keeper's "Midas touch"
- Protection for third parties acting in good faith
- The mud or the money?

Advance Notices

- Introduces a system of “advance notices” that will replace letters of obligation
- A mechanism to cover the gap risk in Scotland for the first time
- Broad equivalent of search with priority

Designated Day

- Act commences on 8 December
- Big change for RoS and our customers
- One we are ready for