

**Land Reform (Scotland) Bill
Stage 2 amendments January 2016**

Section 35

Graeme Dey

29 Leave out section 35

After section 35

Graeme Dey

30 After section 35, insert—

<Land Register of Scotland: information to be included in title sheet

(1) The Land Registration etc. (Scotland) Act 2012 is amended as follows.

(2) In section 7—

(a) in subsection (1), after paragraph (a), insert—

“(aa) where a person of significant control exists in relation to a proprietor who—

(i) is a legal entity within the meaning given by subsection (3), or

(ii) not being such a legal entity nor an entity mentioned in paragraph (b) of that subsection, owns the land in a special capacity and not in the proprietor’s own name,

the name and designation of the person of significant control,”

(b) after subsection (2), insert—

“(3) For the purposes of subsection (1)(aa), a “legal entity”—

(a) is an entity (other than a natural person) able to hold property in its own name (including, without prejudice to the generality of the expression, a company, firm or partnership which is a legal entity under the law by which it is governed), but

(b) does not include—

(i) a corporation sole,

(ii) a government, or government department, of any country or territory or of any part of a country or territory,

(iii) an international organisation whose members include two or more countries or territories (or their governments),

(iv) a local authority or local government body in the United Kingdom or elsewhere,

(v) a church,

(vi) the Scottish Ministers (or any member of the Scottish Government), or

(vii) the Scottish Parliamentary Corporate Body.

(4) The Scottish Ministers may by regulations define for the purposes of subsection(1)(aa) what is meant by “a person of significant control” in relation to a proprietor.

(5) The Scottish Ministers may by regulations specify circumstances in which information of the type mentioned in subsection (1)(aa) must be provided to the Keeper but need not be entered in the proprietorship section of the title sheet (and may not be made publicly available otherwise).

(6) Subsection (8) applies where, subsequent to the proprietor’s name and designation being entered in the proprietorship section of the title sheet, the name and designation of a person of significant control in relation to the proprietor (or of a further such person) falls to be entered in that section (or that information falls to be provided to the Keeper by virtue of regulations under subsection (5)).

(7) Subsection (6) applies regardless of whether the proprietor’s name and designation is entered in the proprietorship section of the title sheet before the date on which section (*Land Register of Scotland: information to be included in title sheet*)(2) of the Land Reform (Scotland) Act 2016 comes into force or after that date.

(8) The proprietor must, within such period of time as the Scottish Ministers may by regulations specify, notify the Keeper of the name and designation of the person of significant control in relation to the proprietor.

(9) On receipt of notification under subsection (8), the Keeper must, without delay, enter the name and designation of the person of significant control in relation to the proprietor in the proprietorship section of the title sheet and record in that section the date the information was entered.

(10) Where there is a change in a name or designation of a person of significant control in relation to a proprietor, the proprietor must, within

such period of time as the Scottish Ministers may by regulations specify, notify the Keeper of that change.

(11) On receipt of notification under subsection (10), the Keeper must, without delay, enter the change in the name or designation of the person of significant control in relation to the proprietor in the proprietorship section of the title sheet and record in that section the date the information was entered.

(12) The duties in subsections (9) and (11) do not apply in any case where regulations under subsection (5) provide that information about the person of significant control need not be entered in the proprietorship section of the title sheet; but regulations under subsection (5) may provide for how the Keeper is to record notifications under subsections (9) and (11) in such cases.

(13) A registered proprietor who fails to comply timeously with subsection (8) or (10) is guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum.”.

(3) In section 116(3), before paragraph (a) insert—

“(za) section 7(4), (5), (8) or (11),”.>

Graeme Dey

36 Leave out section 36

Patrick Harvie

105 After section 35, insert—

<Registration of registrable deeds: non-EU entities

- (1) The Land Registration etc. (Scotland) Act 2012 is amended as follows.
- (2) In section 21 (applications for registration of deed), in subsection (2)—
 - (a) for the words “the general application conditions are met and” substitute “—
 - (a) the EU proprietorship condition is met,
 - (b) the general application conditions are met, and
 - (c) in addition—”, and
 - (b) paragraphs (a) to (c) become, respectively, sub-paragraphs (i) to (iii) of paragraph (c) as inserted by paragraph (a) above.

(3) After that section, insert—

“21A EU proprietorship condition

- (1) The EU proprietorship condition is that registration of the deed will not have the effect of—
 - (a) transferring ownership of land to, or
 - (b) conferring a real right in respect of a lease over land, with a duration of over 20 years, on,
 an entity of the kind mentioned in subsection (2).
- (2) That is an entity that is incorporated or otherwise established outwith a member state of the EU.”.>

Patrick Harvie

106 After section 35, insert—

<Registered land: non-EU proprietors

- (1) The Land Registration etc. (Scotland) Act 2012 is amended as follows.
- (2) After section 48, insert—

“PART 2A

NON-EU PROPRIETORS

48A Non-EU proprietors

- (1) This section applies where the proprietor entered in the proprietorship section of a title sheet is an entity of the kind mentioned in subsection (2).
 - (2) That is an entity that is incorporated or otherwise established outwith a member state of the EU.
 - (3) The proprietor must take such steps as are necessary to ensure that, no later than five years after whichever of the dates mentioned in subsection (4) is latest, the proprietor entered in the proprietorship section of the title sheet is no longer a proprietor of the kind mentioned in subsection (2).
 - (4) The dates are—
 - (a) the date on which this section first came into force,
 - (b) the date on which the proprietor of the kind mentioned in subsection (2) was first entered in the proprietorship section of the title sheet.
 - (5) The Scottish Ministers—
 - (a) must by regulations make provision about the effect of a proprietor of the kind mentioned in subsection (2) failing to comply with subsection (3),
 - (b) may by regulations make such further provision (including incidental, supplementary, consequential, transitory, transitional or saving provision) as is necessary for the purposes of, in consequence of, or for giving full effect to, the provisions of this section or of regulations under paragraph (a).
 - (6) Regulations under subsection (5) may modify any enactment, including this Act.
 - (7) The Scottish Ministers must, before making regulations under subsection (5), consult such persons as they consider appropriate.”.>
- (3) In section 116(3), after paragraph (c), insert—
- “(ca) section 48A(5),”.>

Patrick Harvie

115 After section 65, insert—

<PART

COMMON LAND

Repeal of Division of Commonties Act 1695

The Division of Commonties Act 1695 is repealed.>