

Rejections

The Fees in the Registers of Scotland Amendment Order 2010 introduces, with effect from 10 January 2011, a fee of £30 for the rejection of an application prior to being accepted for the Land Register of Scotland in terms of section 4 of the Land Registration (Scotland) Act 1979 (“the 1979 Act”).

Applications for registration should consist of the appropriate application forms, the deed, or deeds, to which the application relates and such other documents or evidence as may be required to support the application. In addition, the appropriate registration dues must be tendered, or made available via the Direct Debit facility, at the point of registration. In those cases where an application does not meet these fundamental requirements, the application will be rejected by the Keeper at the point of receipt.

The Keeper’s authority to reject applications with the result that they will not be accepted onto the Application Record stems from sections 4(1) and 4(2) of the 1979 Act and Rule 9 of the Land Registration (Scotland) Rules 2006. In particular, section 4(1) provides that “an application for registration shall be accepted by the Keeper if it is accompanied by such documents and other evidence as [she] may require”.

From 10 January 2011, a fee of £30 will be charged on the rejection of an application for registration in the Land Register where that application:

- Is not accompanied by the appropriate, duly completed, application form(s) and inventory form 4;
- Does not provide the appropriate fee payment and/or supporting fee information;

- Is not accompanied by the relevant Stamp Duty Land Tax certificate (if required);
- Does not enclose the deed (or deeds) that is to be registered;
- Is for the registration of a deed containing a plan that is not docketed in conformity with section 8 of the Requirements of Writing (Scotland) Act 1995;
- Is for the registration of a Disposition by the grantor(s) to themselves in the same capacity (A to A, A and B to A and B etc) other than to discharge or waive a survivorship destination;
- Is to register a deed from which the requisite Title Number has been omitted (this will not apply to a Discharge of a Standard Security that was recorded in the General Register of Sasines);

- Is made by a party other than a solicitor or licensed conveyancer and is not accompanied by the requisite RoS ID Form;
- Is to register a constitutive deed in terms of the Title Conditions (Scotland) Act 2003 and only some, but not all, of the requisite forms and/or registration fees are provided;
- Is made in respect of a Deed of Variation of a Standard security that was recorded in the General Register of Sasines but no application is made to register the Standard Security in question;
- Affects more than one registered interest but is not accompanied by the requisite application forms and/or registration dues in respect of all of the affected titles;
- Is an application for voluntary registration that has not been agreed in advance with the Keeper (in these circumstances, the Keeper may exercise her discretion as to whether such applications are to be rejected);
- Is made in respect of a creditor who no longer has a legal right in the security assets (for example following a transfer of engagements);

The foregoing list sets out the common reasons for the rejection of an application at the point of receipt. However, this should not be regarded as an exhaustive list as it may be added to on a permanent or temporary basis, if required, by statutory or common law developments or for other reasons. Any new common reason will be published on the RoS website.

Please note that if a transaction that induces multiple applications is rejected by us you will incur a £30 fee for each application that is affected by the rejection. We have previously published guidance in the Law Society Journal recommending that if you are involved in a transaction that affects 10 or more Land Register title sheets and/or Sasine titles you contact us prior to presenting this application to us (be that presentment by post or personal presentment). This allows us to work with you to ensure the application will not present intake problems when it is submitted for registration. This is a non-chargeable service. For information on this service please contact create@ros.gov.uk or Alistair Brown 0131 528 3757 or Scott Bond 0131 659 6111 Ext 3260.

Information on the Keeper's registration policy and practice can be found on the Registers of Scotland website www.ros.gov.uk or by contacting

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Both centres have wheelchair access and hearing loops.

