

## Registers Update - Abolition of Feudal Tenure and New Title Conditions - Statutory Forms

UPDATE: 10.3

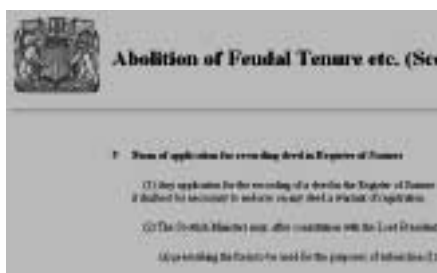
This is the latest in a series of updates on the registration aspects of the feudal reform legislation. Previous updates provide information on: the appointed day; feudal conveyances; constitution of real burdens, and new deed types post the appointed day. The next update, which is due to be published on 31 October, will deal with the registration aspects of superiority interests from the appointed day.

In terms of Section 5 of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 it will no longer be necessary to endorse a Warrant of Registration on a deed presented for recording in the General Register of Sasines after 28 November 2004 (the appointed day). Instead there will be a new statutory Sasine Application Form that has been prescribed by Scottish Ministers, which must accompany deeds presented for recording. The purpose of this update is to provide information on the new Sasine Application Form and give general guidance on the requirements for completion and introduction of the form prior to 28 November 2004.

In addition, amendments to the Land Registration (Scotland) Act 1979 as a consequence of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 and the Title Conditions (Scotland) Act 2003 have required minor amendments to the Land Registration (Scotland) Rules 1980 and revisions to Land Register forms. This update also sets out the arrangements for the introduction of these forms.

### 1. Sasine Application Form

From the appointed day the Sasine Application Form will replace the Warrant of Registration as authority for the Keeper to record a deed in the Register of Sasines. From then it will no longer be necessary to endorse a Warrant of Registration upon any deed. A copy of the Sasine Application Form has been enclosed for your information.



#### Transition

The Sasine Application Form does not become a statutory requirement until 28 November 2004. However, the Keeper will accept the form to replace the Computerised Presentment Book (CPB2) form from 20 October 2004. This will give solicitors the opportunity to become familiar with the new form and allow old stocks of the CPB2 to be disposed of prior to 28 November.

It should be noted that until 28 November all deeds presented for recording in the Sasine Register, whether accompanied by a CPB2 or Sasine Application Form, will still require to bear a Warrant of Registration.

#### Appointed day

From 28 November, the Keeper will not accept any deed presented for recording in the Register of Sasines without an appropriately completed Sasine Application Form. Any deed presented for recording bearing a Warrant of Registration but not accompanied by a Sasine Application Form will be returned.

To summarise:

**Pre appointed Day** - Warrant of Registration and Sasine Application Form (or CPB2 form)

**Post appointed Day** - Completed Sasine Application Form only

#### Rejection Criteria

From the appointed day, an application for recording in the Register of Sasines will be rejected if it fails to meet any of the following criteria:

- a Sasine Application Form must accompany each Sasine deed;
- the Form must be signed;
- all the Counties to which the deed relates must be stated on the Form; and
- all Applicants must be named on the Form.

These criteria are required to cover the replacement of the current Warrant of Registration.



## Registers Update - Abolition of Feudal Tenure and New Title Conditions - Statutory Forms



The following details are also required to cover the feeing aspects of the application and to allow the Form to be associated with the relevant deed:

- the deed type must be stipulated on the Form;
- the presenting party's name and/or FAS must be given on the Form;
- the consideration/value must be stated on the Form; and
- the subjects must be identified on the Form.

### Availability of Sasine Application Form

The Sasine Application Form will be available to download from [www.ros.gov.uk/newforms](http://www.ros.gov.uk/newforms) or alternatively from Customer Services, from 20 October. In addition, the eforms online CPB2 Form will be replaced by the Sasine Application Form on this day. We recommend that solicitors use the new form from this point to facilitate the transition and avoid the possibility of deeds being returned from the appointed day because they are not accompanied by the appropriate form.

When the Form does not allow for sufficient space to include all Granters, Applicants and Subjects, additional pages can be printed from [www.ros.gov.uk/newforms](http://www.ros.gov.uk/newforms) or requested from our Customer Service Centres.

Guidance Notes for completion of the form will be available at [www.ros.gov.uk/newforms](http://www.ros.gov.uk/newforms) from 20 October, or from Customer Services.

## 2. Land Register Forms

The new legislation necessitates minor amendments to Forms 1, 2, and 3 for applications for registration in the Land Register. References to feu duty and other extinguished periodical payments have been removed and the text of the question regarding compulsory purchase has been simplified.

The revised versions of the forms replace the existing forms from the appointed day, 28 November 2004. Though revised versions of the forms will be available to download at [www.ros.gov.uk/newforms](http://www.ros.gov.uk/newforms) or alternatively from our Customer Service Centres from 1 November, they should not be used for applications lodged before 28 November.

The revised forms are clearly marked as such on the front page for ease of identification.

We will update eforms online after close of business on Thursday 25 November, when the new forms will replace the old forms on the system. This will enable solicitors to prepare applications from the following day for submission to the Register from Monday 29 November. Solicitors who currently use a template to prepare application forms on eforms online will require to delete these templates and prepare new templates based upon the updated Land Register forms.

### Land Certificate Cover

The Form 6 (Land Certificate cover) is also amended and the new cover will be used for all Land Certificates despatched from the appointed day.

### Rejection Criteria

Applications for a first registration, a dealing with whole and a transfer of part in the Land Register must be made using the revised versions of the forms from the appointed day. Any applications made using the current forms after the appointed day will be rejected.

### Additional Information

The Sasine Application Form and revised Land Registration forms will be available free of charge. However, we are encouraging solicitors to use eforms online or download forms (which will be in pdf format) from our website. We may restrict the numbers of hard copy forms we send out from Customer Services, to ensure continuity of supply.

Solicitors using case management systems to generate application forms may wish to ensure that these are updated to incorporate the new Sasine Application Form and the revised Land Registration Forms.

Solicitors are reminded that we must have received all applications that are to be made by the appointed day, not later than 4pm on Friday 26 November.

Further information and advice on the new Sasine Application Form and the revised Land Registration Forms can be obtained from [www.ros.gov.uk/newforms](http://www.ros.gov.uk/newforms) or from Customer Services on 0845 607 0161.

