

Registers Update - Land & Charge Certificates



The Land Registration (Scotland) Rules 2006 replace the 1980 Rules. The 2006 Rules provide for the introduction of ARTL and amend the paper Land Register Application Forms. The new Rules will commence on 22 January 2007 (although provisions specific to ARTL commenced on 14 November 2006).

UPDATE: 9.1

The 2006 Rules largely restate the 1980 Rules but there are some significant changes.

One benefit is that the Keeper will be able to offer choice between paper and electronic Certificates regardless of the medium of the application for registration. To facilitate this, Rules 16 to 19 of the 1980 Rules have not been reproduced. As a consequence paper Certificates will no longer be updated, but in terms of section 6 of the Land Registration (Scotland) Act 1979, it is the case that only the Title Sheet held by the Keeper shows the current position of the rights and interests of a proprietor. Authenticated copies of the Title Sheet can readily be obtained.

- Charge Certificates will be issued on the registration of a Standard Security. Where any other deed affecting the security is registered, it will not be included in the Charge Certificate.

- It will no longer be possible to obtain a Substitute Certificate. If you wish a copy Title Sheet for your own use, please download one from Registers Direct or order an office copy.

- In cases where an error in a Land Certificate has been identified, agents should alert the Keeper to this. However, it will no longer be necessary to return the Certificate to have the Title Sheet corrected.



The proposed new paper forms for application for registration in the Land Register provide applicants with an option of either a paper or an electronic version of Land and Charge Certificates. However, the electronic versions will not be available until other changes are made to the Agency's computerised systems. More information on this will be published in future updates.

The following changes will come into effect from 22 January 2007:

- Land and Charge Certificates should **not** be submitted with applications for registration. For a limited period of 2 weeks from 22 January, Certificates accompanying applications will be returned to the submitting agent with a covering letter. At the end of this interim period any Land or Charge Certificate sent to the Agency will be destroyed.

- Land Certificates will only be issued in the case of a first registration or a title transfer (with certain limited exceptions). In cases where two or more linked applications contain title transfers, only one Land Certificate will be issued to the most recent transferee.

This is the latest in a series of updates to keep you informed on the various aspects of Registers of Scotland's services, policies and procedures. More details can be found at www.ros.gov.uk/updates, or by contacting Customer Relations on 0131 200 3944.

