

CONSULTATION ON KEEPER-INDUCED REGISTRATION

GLOSSARY OF TERMS

Benefited property. A property that can benefit from a *servitude* over another piece of property or whose owner has the right to enforce a *burden* against the owner of another property.

Burden. An obligation contained in the title deeds that restricts the *proprietor's* use of their property.

Cadastral map. An Ordnance Survey based map of Scotland which shows geospatial information about rights in land including title boundaries.

Encumbrance. A *real right* that encumbers, or burdens, land: i.e. a right held over the land by someone other than the owner of the land. Examples include *heritable securities* and *servitudes*.

First registration. First registration takes place when a property is registered in the *Land Register of Scotland* for the first time. This can happen as a *triggered registration* when for example a property in the *General Register of Sasines* is sold, or in the absence of a transaction where the owner of a property in that register applies for *voluntary registration* or where the Keeper induces registration.

General Register of Sasines. The original register of title deeds which was established in 1617 and is being gradually replaced by the *Land Register*.

Heritage asset. Land and property that has particular significance for Scotland, typically for historic, cultural or environmental reasons.

Heritable security/ Standard security. A security over land – in non-legal terms a mortgage.

Incorporeal pertinents. Rights held by the *proprietor* of one plot of land that are enforceable against the owner of another piece of land, such as a right of access.

Keeper's warranty. A statutory guarantee provided by the Keeper to the *proprietor(s)* of a property that at the time of registration they are the proprietor and that the *title sheet* shows all the relevant *encumbrances*.

Land Register of Scotland. The modern map-based register established by the Land Registration (Scotland) Act 1979 which is progressively replacing the *General Register of Sasines*.

Prescription. The Land Registration (Scotland) Act 2012 provides that if certain requirements are met a person may acquire a right to land by possessing the land openly, peaceably and without judicial interruption for a prescribed period.

Proprietor. A person with a valid completed title to land.

Real right. A direct right in land, which can either be a right of ownership or subordinate real rights which are *encumbrances*.

Rectification. Where the Keeper becomes aware of a manifest inaccuracy in a *title sheet* or in the *cadastral map* she must rectify the inaccuracy if what is needed to do so is also manifest.

Servitude. A subordinate *real right* in favour of one property over a neighbouring property, such as a servitude of way (i.e. a right of way).

SSI. Scottish Statutory Instrument, which is subordinate legislation made by Ministers using powers delegated by the Scottish Parliament, and in most cases subject also to the approval of the Scottish Parliament by affirmative or negative procedure.

Title sheet. A document setting out the title to a plot of land, divided into four sections which identify the property, the *proprietor(s)*, any *heritable securities* and any *burdens* that relate to the property.

Triggered registration. An application for registration which is made to comply with a statutory requirement to do so. For example, from 1 April 2016 the owner of a property will first have to register their property in the Land Register before the lender is able to register a new *standard security*.

Voluntary registration. The Land Registration (Scotland) Act 2012 provides that the owner of an owner of an unregistered plot of land may apply to the Keeper for registration at any time.