CHECKLIST
VALID AND REGISTRABLE DEED

Please read this Checklist in conjunction with *Checklist: Applications for Registration*

	Action	Done	Checked
1	The granter of the deed has **title and capacity** to grant it[1]		
2	The deed is a **registrable** deed[2]		
3	The deed contains: ● Name and full designation of the granter, grantee[3] and any consenter[4] ● References to any change of name ● Description of the property (sufficient for the Keeper to delineate it on the cadastral map) (and/or a plan – see paragraph 6 below) ● Acceptable words of conveyance (e.g. dispone, convey, grant, assign, discharge) in the present tense where appropriate		
4	Any **new** burdens or servitudes are **validly created**		
5	The deed is properly **executed**: ● **subscribed** by the granter and **witnessed**[5] ● **name and designation of the witness** is included in testing clause ● where the granter is a **company**, the testing clause states whether a signatory is a **director**, the **secretary**, an **authorised signatory** or a **witness**[6] ● any **annexations,** schedules and plans have been docquetted and signed.		
6	Where a **plan** is required: [7] ● The plan meets the Registers' "Deed Plan Criteria"[8] ● Where description of the property refers to a plan, it must be sufficient for the Keeper to delineate the property on the cadastral map		

[1] Any links in title need not be narrated, but must have been checked

[2] A list of all registrable deeds is at http://www.ros.gov.uk/2012act/guidance/General_Guidance_Registrable_Deeds.pdf

[3] Remember that a Disposition by A to A is not a valid conveyance.

[4] "designation" is defined in section 113(1) of the 2012 Act as including:
(a) where the person designated is not a natural person: (i) the legal system under which the person is incorporated or otherwise established, (ii) if a number has been allocated to the person under section 1066 of the Companies Act 2006 (c.46), that number, and (iii) any other identifier (whether or not a number) peculiar to the person, and
(b) if the person designated has a right in land in a special capacity, a description of that capacity,

[5] Generally, deed must be self-proving in terms of the Requirements of Writing (Scotland) Act 1995

[6] See Schedule 2, paragraph 3 of the Requirements of Writing (Scotland) Act 1995

[7] A plan may also be required where:
- A lesser area is affected by new title conditions:
- A share in common areas is being conveyed and these are not already mapped;
- The property is in a tenement and the tenement steading is not already mapped;
- The property is a separate tenement in land e.g. salmon fishings.

[8] Access the Deed Plan Criteria guide at http://www.ros.gov.uk/pdfs/dpc.pdf

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	Action	Done	Checked
	● Any reference to an approved Development Plan must be correct ● Deed plan is attached with an appropriate **docquet**, and is **signed** by granter		
7	Where the application relates to a **registered plot** or plots, the deed must narrate the correct **title number**(s)		
8	Where the application is over **part of a registered plot**, the deed must contain a **plan and/or full bounding description** sufficient for Keeper to delineate it on the cadastral map, and narrate the **title number** of the registered plot		
9	No part of the plot should **compete** with an existing registered title		