

# 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 <b>title and capacity</b> to grant it <sup>1</sup>		
2	The deed is a <b>registrable</b> deed <sup>2</sup>		
3	The deed contains: <ul style="list-style-type: none"> <li>• Name and full designation of the granter, grantee<sup>3</sup> and any consenter<sup>4</sup></li> <li>• References to any change of name</li> <li>• Description of the property (sufficient for the Keeper to delineate it on the cadastral map) (and/or a plan – see paragraph 6 below)</li> <li>• Acceptable words of conveyance (e.g. dispone, convey, grant, assign, discharge) in the present tense where appropriate</li> </ul>		
4	Any <b>new</b> burdens or servitudes are <b>validly created</b>		
5	The deed is properly <b>executed</b> : <ul style="list-style-type: none"> <li>• <b>subscribed</b> by the granter and <b>witnessed</b><sup>5</sup></li> <li>• <b>name and designation of the witness</b> is included in testing clause</li> <li>• where the granter is a <b>company</b>, the testing clause states whether a signatory is a <b>director</b>, the <b>secretary</b>, an <b>authorised signatory</b> or a <b>witness</b><sup>6</sup></li> <li>• any <b>annexations</b>, schedules and plans have been docquetted and signed.</li> </ul>		
6	Where a <b>plan</b> is required: <sup>7</sup> <ul style="list-style-type: none"> <li>• The plan meets the Registers' "Deed Plan Criteria"<sup>8</sup></li> <li>• Where description of the property refers to a plan, it must be sufficient for the Keeper to delineate the property on the cadastral map</li> </ul>		

<sup>1</sup> Any links in title need not be narrated, but must have been checked

<sup>2</sup> A list of all registrable deeds is at

[http://www.ros.gov.uk/2012act/guidance/General\\_Guidance\\_Registrable\\_Deeds.pdf](http://www.ros.gov.uk/2012act/guidance/General_Guidance_Registrable_Deeds.pdf)

<sup>3</sup> Remember that a Disposition by A to A is not a valid conveyance.

<sup>4</sup> "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,

<sup>5</sup> Generally, deed must be self-proving in terms of the Requirements of Writing (Scotland) Act 1995

<sup>6</sup> See Schedule 2, paragraph 3 of the Requirements of Writing (Scotland) Act 1995

<sup>7</sup> 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.

<sup>8</sup> Access the Deed Plan Criteria guide at <http://www.ros.gov.uk/pdfs/dpc.pdf>



<b>Action</b>	<b>Done</b>	<b>Checked</b>
<ul style="list-style-type: none"> <li>• Any reference to an approved Development Plan must be correct</li> <li>• Deed plan is attached with an appropriate <b>docquet</b>, and is <b>signed</b> by granter</li> </ul>		
7 Where the application relates to a <b>registered plot</b> or plots, the deed must narrate the correct <b>title number</b> (s)		
8 Where the application is over <b>part of a registered plot</b> , the deed must contain a <b>plan and/or full bounding description</b> sufficient for Keeper to delineate it on the cadastral map, and narrate the <b>title number</b> of the registered plot		
9 No part of the plot should <b>compete</b> with an existing registered title		