

Covid-19 : Guidance regarding the impact on courts and Government agencies dealing with rural matters

Due to the ongoing Covid-19 crisis affecting Government departments, the progress of court business and the registration of titles has been affected.

The following summarises the current position in relation to the main courts and agencies.

Registers of Scotland

The Registers of Scotland (“RoS”) closed its doors on 24 March 2020 and was therefore unable to accept any paper applications for registration after that date. RoS have now developed a digital registration system which went live on Monday 27 April. This will allow certain applications to be made where appropriate (ie the Sasine Register is not involved) and where permitted under the Government’s Covid-19 guidance and legislation.

Scottish Land Court

Similarly, the Scottish Land Court has also not proven to be immune from the disruption caused by the virus and all hearings have been postponed until further notice. There are special arrangements in place to deal with applications for interim interdicts under the court’s agricultural holdings jurisdiction however this would only be enacted in the most extreme of circumstances.

Tenants’ Amnesty

The pandemic comes towards the end of a three-year amnesty period for agricultural tenants to claim ownership of their improvements to the farm, where the correct notice was not given beforehand. The deadline for doing so was originally 12 June 2020, and as many tenants had not made a start by March, getting an Amnesty Agreement signed or an Amnesty Notice served on time would have proved challenging, with land agents now largely unable to carry out site visits.

The Scottish Tenant Farmers’ Association lobbied for the amnesty period to be extended, and the Scottish Government has now enacted a 6-month extension to 12 December 2020. This is still only just enough time to see the process from start to finish, and it is doubtful that any further extensions will be granted. Tenants planning to make use of the amnesty should start now.

If you are a tenant or a landlord needing advice on an amnesty claim, please get in touch with [Tim Macdonald](#) (0131 656 5766).

The Lyon Court

In line with Government advice the Lyon Office is closed until further notice. However, Petitions for Arms are still being processed remotely and the Court can be contacted on lyonoffice@gov.scot or by ourselves on your behalf.

If you are worried your application for registration, imminent completion of a purchase or sale or court action may be affected by the above closures, please get in touch with your usual contact in the Rural team.



For further guidance and support, you can contact:

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