

The Sovereign Nation of Shetland
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Date: 11 February 2025

Our Ref: CW-2025-062

To The Sovereign Nation of Shetland,

Freedom Of Information (Scotland) Act 2002

Thank you for your three emails dated 26 January 2025, 26 January 2025, and 29 January 2025 respectively in which you requested information held by Registers of Scotland (RoS).

When we acknowledged your emails on 30 January 2025, we explained to you that we would log and process these three emails as a single request to make our response as clear and simple as possible.

Your request has been considered under the Freedom of Information (Scotland) Act 2002 (FOISA).

You asked:

First Request (email dated 26 January 2025)

We have a document entitled 'Udal Law and the Land Register: A Guide to the Keeper's Policy', published in 2003.

On page 2, there is a section: 'Transfers of udal title after 1 April 2003', which refers to section 2(1)(a)(v) of the Land Registration (Scotland) Act 1979.

Our requests are:

- 1) What information do you have regarding what happened on 1 April 2003? and
- 2) In view of the fact that the relevant provisions of Land Registration (Scotland) Act 1979 by the Land Registration etc. (Scotland) Act 2012, what provisions of that Act cover udal land?

Second Request (email dated 26 January 2025)

We refer to your document 'Udal Law and the Foreshore in Orkney & Shetland'. In the section 'The foreshore in Orkney and Shetland', the last sentence of the second

paragraph reads 'This instruction applies to all titles in Orkney or Shetland which are stated to include foreshore and which do not derive from a Crown grant.'

Do you have information relating to any titles in Shetland that derive from a Crown Grant? If so, please provide details of those grants.

Third Request (email dated 29 January 2025)

Bearing in mind that a feudal title must emanate from the Crown and in relation to Shetland, please provide specific information proving the superiority of the land titles in your register over our allodial claim for the whole of Shetland dated 27 November 2013 in your possession.

Response to your requests

First request

The answers to your questions are as follows:

1. 1 April 2003 is the date that Orkney and Shetland became operational in the Land Register (i.e., prior to that date, deeds relating to these areas could only be recorded in the Register of Sasines).

RoS publishes details of [Land Register counties and operational dates](#) on our website.

2. The [Land Registration etc. \(Scotland\) Act 2012](#) (the 2012 Act) is an Act of the Scottish Parliament, with the Land Register being a public register of rights in land in Scotland. This Act, and the coverage of the Land Register, therefore applies to the whole of Scotland, including Orkney and Shetland.

In 2012, in the case of [The Royal Bank of Scotland v Stuart Hill](#), the Court of Session set out why it is regarded as settled law that Shetland forms part of the United Kingdom. Section 50 of the 2012 Act expressly states that dispositions of land are registrable, and that "land" includes land held on udal title.

Second request

The information you have requested is exempt under section 25(1) of FOISA as we do not have to give you information which is already reasonably accessible to you.

It is possible to find land and property information for registered titles by [searching the Land Register](#). Copies of title sheets are available to purchase at the cost of £3 + VAT.

Our specialist team can help you if you can't find the land or property you're looking for. Information about our [property help service](#) and [land title investigation service](#), including the fees charged for using these services, are available on our website.

Third request

RoS is headed by the Keeper and operates its statutory function based on information or deeds provided to us in writing in accordance with the 2012 Act.

RoS publishes our [framework document](#) on our website, and this document includes the principal legislative provisions underlying the functions of the Keeper in Appendix 1.

The Keeper does not arbitrate in disputes and disputed matters require judicial determination. In terms of section 82(1) of the 2012 Act, a person with an interest may refer a question relating to the accuracy of the register, or what is needed to rectify an inaccuracy, to the Lands Tribunal for Scotland.

RoS publishes [guidance on inaccuracy in the Land Register and rectification](#) on our website.

Details on how to contact the Lands Tribunal for Scotland are available on their [website](#).

Review

Freedom of Information

If you are unhappy with our response, you have the right to request an internal review. Please send your review request, explaining your reason, to: FOI.Requests@ros.gov.uk.

Your review request must be made within 40 working days of receipt of this response. We will respond within 20 working days of receipt of your review request. The review will be undertaken by a member of staff who was not involved in the original decision-making process.

If you are unhappy with our review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

- www.foi.scot/appeal

Yours faithfully,

Information Governance Team
FOI.Requests@ros.gov.uk