

Register of persons holding a controlled interest in land

The **Register of Persons Holding a Controlled Interest in Land** (“RCI”) became operational on 1 April 2022 as a key part of the **Land Reform (Scotland) Act 2016** to improve the transparency of land ownership in Scotland. Its purpose is to show information about people who have influence or control over an area of land or property where this information is not otherwise publicly available.

The RCI is a public register maintained by the Registers of Scotland and is free to search. It is a register of people and it is not linked to the Land Register or the Sasine Register. Any changes made to the title of a property in either the Land Register of Scotland or the Sasine Register will not alter the RCI.

Who needs to Register?

There is now an obligation on land and property owners, as well as tenants under a long lease (over 20 years), to provide information to the RCI if they fall within the scope of the RCI.

Sports clubs and governing bodies which are established as unincorporated associations do fall within the scope of the RCI; there is no general exemption for unincorporated associations in sport.

Sports clubs and governing bodies set up as Scottish Charitable Incorporated Organisations or who are incorporated are exempt, as separate reporting regimes are in place (through the SCIO register and Companies House).

An owner of land or a tenant under a long lease (the “Recorded Person”) must provide information to the RCI about any party having the right to exercise, or actually exercising, significant control or influence over them in relation to that land.

The person having significant control or influence is known as an “Associate” under the Regulations. It is the responsibility of the Recorded Person to provide the information to the RCI for the Associate within 60 days of the party becoming an Associate. The Associate is under an obligation to provide the information required by the Recorded Person to update the RCI.

You can check if you need to make an entry here: <https://kb.ros.gov.uk/other-registration-types/rci/do-i-need-to-make-an-entry#check>.

Unincorporated Associations, Trusts, Partnerships and Overseas Entities that own or lease land are most likely to be affected by the requirement to register on the RCI. We look at each of these in turn:

Unincorporated Associations

Many sports clubs are unincorporated associations. **Unincorporated associations**, that own or long-lease land fall within the scope of the RCI. An unincorporated association itself cannot be the owner or tenant of the land in the sense that it cannot own or be tenant in the name of the unincorporated association itself. Therefore, it will normally be certain members of the unincorporated body who will be named as the owners or tenants (on behalf of the unincorporated association) and it will be those names that are shown on the Land Register or Sasine Register. In some situations, a separate group or committee of other persons may have general control and management powers. In such circumstances, those other persons is to be named and recorded as the Associate(s). Associates will require to be included on the RCI following a submission by the Recorded Person.

It is the responsibility of the Recorded Person to keep the RCI up to date. A fresh submission must be made to update the registered information if the details of any of the Associates change. For example, if a new chairperson of a management committee was appointed, then the Recorded Person must provide that information to the RCI within 60 days of the change taking effect.

Example

Taylor, Idris and Ryan are members of an unincorporated association. They are named on the land register. There is also a committee of office bearers that are responsible for the general management of the unincorporated association. For RCI, each of those office bearers would be associates. Taylor, Idris and Ryan would be the Recorded Persons and would need to register in the RCI and name all of the office bearers as their Associates.

Trusts

Property owned by a trust will likely be registered (either in the Land Register or Sasine Register) in the name of the individual Trustees at the time it was purchased or last transacted. It is possible that the Trustees will have changed (either by trustees retiring or new trustees being assumed) without the title for the property being updated. In this case, the Recorded Person would be each of the original Trustees who are the registered owners of the property and the Associate would be the Trustee(s) who have become Trustees since registration and are not included on the title for the property.

It would be necessary for each Trustee who is a Recorded Person to submit an application to the RCI for each new trustee as an Associate. This means that there may be a number of entries relating to the same property and the same Associate(s).

Example

Green Castle and Grounds is owned by the Trustees of a Discretionary Trust. Green Castle and Grounds is registered in the Land Register of Scotland and the title shows Brogan, Charles and David as owners of the Castle as Trustees of the Trust. Edward is later assumed as a Trustee. The title in the Land Register is not updated to reflect this change. Brogan, Charles and David are each a Recorded Person and must apply to register in the RCI to include Edward as an Associate of each of them.

Are there any exemptions?

While the aim of the RCI is to improve transparency of ownership, the Regulations have been drafted so that any Recorded Person that is subject to another reporting regime, such as with Companies House, public authorities subject to the Freedom of Information legislation, certain bodies who report to the Financial Conduct Authority and Scottish and English Charitable Incorporated Organisations are all exempt from the obligation to report information about an Associate to RCI.

These exceptions mean that the majority of sports governing bodies (SGBs) will not require to take any action, provided that they are already subject to another regime, e.g. they are incorporated and have company registration on Companies House (and so where there is an obligation to register persons with significant control, in addition to directors).

How do you register?

The Recorded Person is responsible for making an application to the RCI. Submissions can be made at <https://rci.ros.gov.uk>

What information do I need to provide?

The registration will be submitted by each Recorded Person, that Recorded Person is required to provide the following information:

The Recorded Person	
<i>If an individual</i>	
Full name:	
Address:	
<i>If an organisation</i>	
Name:	
Contact name within organisation:	
Registered office address:	

The Associate	
<i>If previously registered on RCI</i>	
Associate Reference Number:	
Address:	
<i>If an organisation</i>	
Name:	
Contact name within organisation:	
Registered office address:	
<i>If an individual</i>	
Full name	
Address:	
Date of Birth <i>(will not appear on the RCI)</i>	

The Land	
<i>If previously registered on RCI</i>	
Associate Reference Number:	
Address:	
<i>If not land registered</i>	
Address:	
If there is no address a brief description:	

What if I am concerned about my information being publicly available?

The RCI is a public register and so the information supplied to the ROS will become publicly available (apart from dates of birth). However, if the publication of information relating to the Associate would put them at risk of harm, it is possible for the Associate to submit a security declaration to Registers of Scotland and the Keeper will decide whether the application is reasonable. The Keeper may ask for evidence to be provided to support any security declaration application.

What if I don't register?

While the RCI became open to applications from 1 April 2022, there is a grace period within which failure to comply with the Regulations will not be acted upon. That **transitional period has been extended** such that it is only after 1 April 2024 that failure to comply with the Regulations will be a criminal offence. From that date, failure to comply could result in a fine of up to £5,000.

Get in touch

Access the **sportscotland** legal expert resource helpline by email at sportscotlandinfo@harpermacleod.co.uk or call 0141 227 9333.