

email:andy@andywightman.scot

andy wightman



7 February 2026

by email to CabSecforRALRI@gov.scot

cc MinisterPF@gov.scot

Dear Ms Gougeon,

Land Register Rules

I am writing to you in your capacity as Cabinet Secretary for Land Reform and copying in Ivan McKee, the Minister responsible for the Registers of Scotland

I want to highlight a growing problem with transparency in land transactions in Scotland. As reported in my most recent Rural Land Market report, an increasing number of large and high value sales of rural property are entering a consideration of "Implementation of Missives" in the deed which is then transferred to the title sheet. (1) Despite the fact that these sales are for a monetary consideration, a non-monetary consideration is being used to conceal the price being paid.

Section 12(2) of The Land Register Rules etc. (Scotland) Regulations 2014 stipulates that the consideration and the date of entry must be entered in the proprietorship section of the title sheet. The ordinary interpretation of this is that where land is sold for money, that the sum of money is the consideration. This is why on the Application Form for land registration, applicants are asked to fill in either the monetary or non-monetary consideration boxes.

However, some agents are entering a non-monetary consideration (Implementation of Missives) in cases where the land has nevertheless been sold for a monetary consideration. I believe this is a breach of the duty of care owed to the Keeper by solicitors and since she is duty bound to enter whatever consideration is narrated in the deed, there is not much she can do about it.

The term itself is rather meaningless since, unlike "No Consideration" or "Implementation of Will" which mean very specific things, the implementation of missives describes a process that takes place in every transaction for value where missives are signed and then ordinarily implemented.

This is not in the spirit of the 2014 regulations, is not transparent and is adversely impacting on any meaningful analysis of land market trends.

I understand you have asked the Keeper of the Registers of Scotland to look at this issue and indeed I received an email from her on Thursday 5 February. I welcome this.

My preferred solution to this issue is to amend the 2014 Regulations to make an explicit provision that where money is being paid for land and property that it is that sum that must

be disclosed in the Application Form and ultimately the title sheet as a monetary consideration.

I am grateful for your attention to this matter.

Best wishes

A handwritten signature in dark ink, appearing to read 'Andy Wightman', with a long horizontal stroke extending to the right.

Andy Wightman

(1) See my blog of 7 February at www.andywightman.scot and the linked report which can be downloaded at https://andywightman.scot/wp-content/uploads/2026/02/Rural_Land_Sales_2024_FINAL.pdf