

Answers to Questions Raised During the Consultation Period

Q1. How will multiple county searches on Registers Direct be charged under the proposed fees?

A. It is proposed that the structure of charges for multiple county searches will remain unchanged with £3 being substituted for the current £1.80 in the cost structure. The fees for multiple county searches would therefore be applied as follows with no fee being charged for a nil result:

- £3+VAT for searching the Title Sheet per search and per county.
- £3+VAT for searching the Application Record per search and per county.
- £3+VAT for searching the Sasine Register per name and per county.

This yields a list of results and includes viewing all application records and one title sheet record. Each additional title sheet record viewed incurs a further charge of £3+VAT.

Q2. Can certain types of organisations or regular users of Registers Direct receive a discount?

A. This is not possible as it would not meet the requirements of the Scottish Public Finance Manual, which states that "the standard approach to setting charges for public services (including services supplied by one public sector organisation to another) is full cost recovery".

Q3. How will the charge for Registers of Scotland staff conducting searches on Registers Direct be applied?

A. It is proposed that the additional charge for Registers of Scotland (RoS) staff undertaking searches on Registers Direct will be based on the number of searches undertaken. This will not take into account the time taken to complete an individual search and if a list of names is submitted for searching, the fee will be based on the number of searches required. Each name searched will attract the additional staff cost fee. In the case of multiple county searches, if one name was to be searched against all counties then the Registers Direct fees would be calculated as normal but there would only be one additional staff cost. The additional RoS staff cost would be £8 plus VAT for searches requested by email, letter or fax or £12 plus VAT for searches requested in person. The standard Registers Direct fee would also apply.

Q4. Why is there a difference in the fee for searches requested in person in comparison to those submitted by letter, fax or e-mail?

A. The additional RoS staff cost would be either £8 or £12 plus VAT depending on how the search is submitted. The fee difference is due to it being cheaper for RoS to deal with searches submitted by letter, fax or email in comparison to searches requested in person. To deal with a search requested in person RoS need to have staffed Customer Service Centres and the associated increased costs. With searches requested by other means it is easier for RoS to plan resource and this is reflected in the proposed cheaper fee for such searches.

Q5. Can the Land Register Archive be made available on Registers Direct so that it can be directly accessed by customers?

The following is taken from the current consultation paper on the draft Land Registration (Scotland) Bill. The [consultation paper](#) is available on the RoS website and comments can be submitted until 30 November 2010.

Chapter 10 — Archive Record

(SLC Report Parts 4 and 8, draft Bill Sections 12 and 70(1)(c))

Introduction - the current position

10.1 The Archive Record currently maintained by the Keeper consists of copies of all historic and current deeds on which the terms of the Title Sheets in the Land Register are based, along with copies of any other relevant documentation submitted with an application for registration. Currently, there is no legal basis for the existence of the Archive Record.

10.2 The current law requires the Keeper to issue authenticated copies of any deeds specifically referred to in a Title Sheet. However, there is no statutory requirement for copies to be kept of deeds not referred in a Title Sheet. Such deeds include prior dispositions submitted for registration because when updating the Title Sheet in respect of a transfer of title there is no mention of the disposition itself in the proprietorship section of a Title Sheet. The Keeper does issue copies of deeds that are not cited on the Title Sheet but in the absence of any legislation such copies do not have the official evidential status of extracts that is so often required.

10.3 Usually, there is no requirement to look behind the current registered title. Nevertheless, there are occasions when it is necessary to consult prior registered deeds, for example if a question arises as to the content or accuracy of the Land Register. In such cases the Archive Record proves crucial.

The proposed changes

10.4 The SLC recommend that the Archive Record be given a statutory basis and recognised as part of the Land Register. The new legislation regulates the content of the Archive Record and also the issue of data from it. The documents that make up the Archive Record will be those 'relevant to the accuracy of the Land Register'. The SLC propose that the specific content of the Archive Record is left to the Keeper, being the person in the best position to determine the documents relevant in making up the Title Sheets. As to the issue of data, the new legislation obliges the Keeper to supply, on request, official extracts of deeds and other documents in the Archive Record.

Question 35: Do you agree that there should be a statutory basis for the Land Register archive record?

Searching the Archive Record

10.5 At present, the Keeper has a statutory duty to keep an index of names of persons currently entered in Title Sheets. However, since the evolution of the electronic Title Sheet and consequential ability to search the Land Register, there is no requirement for a separate index.

10.6 The Bill directs the Keeper to ensure that the Archive Record is searchable and specifies search criteria. At present, the Archive Record can be searched using either Title Number or registration application number. The SLC recommend that, for the benefit of persons using the search, the Archive Record should be searchable by the names of proprietors, registered lessees, proper liferenters, and heritable creditors. The new legislation would provide that the Archive Record is also searchable by Title Number and date of application and in any other way that the Keeper may decide.

Question 36: Do you agree that the Archive Record should be searchable by (a) Title Number; (b) application date; and (c) names of proprietors, registered tenants, heritable creditors and proper liferenters?

Q6. Checklists for submitting applications should be readily available on the RoS home page for professionals with an appropriate link.

A. There are a variety of guides on how to submit applications available on the RoS website. These will be updated prior to the introduction of the proposed fees.

Q7. If an application is rejected in error by RoS will a refund be issued?

A. A refund will be issued if an application is rejected in error by RoS.

Q8. Will a rejection fee apply to an application that is personally presented at one of RoS Customer Service Centres that has to be rejected?

A. The £30 rejection fee will also apply to rejected applications that are presented personally at one of RoS Customer Service Centres.

Q9. How will a single deed that impacts on multiple titles be charged as a personal presentment?

A. A single deed that affects multiple titles will attract a personal presentment fee of £15 for each title.

Q10. As well as making changes to the fees charged what are RoS doing to increase efficiency?

A. A number of respondents to the consultation acknowledged the changed environment that RoS is operating in. The proposed changes to fees are part of a wider financial sustainability review that will seek to introduce greater efficiencies to RoS. This includes a recently-announced voluntary early severance scheme and the project taking a detailed examination of current processes and system architecture. The proposed fees, along with the introduction of greater efficiencies, will set in place the basis of full cost recovery for the services that RoS provides.

Q11. Would a quick call to Pre-Registration Enquiries be charged the £50 fee?

A. The charge for a pre-registration enquiry will be £50. It is envisaged that enquiries will be made in writing and that a response will be given in writing. A large number of enquiries that pre-registration enquiries currently receive can be answered by reference to the guidance materials on the RoS website. The guidance material will be updated to reflect the proposed fees prior to them being introduced. Calls to the RoS Customer Service Centres on other appropriate matters will not be charged.

Q12. There were a number of questions in relation to the proposal to charge an additional £400 fee for constitutive deeds containing Real Burdens.

A. Scottish Ministers considered the responses received in relation to the proposal to charge an additional fee of £400 for constitutive deeds containing Real Burdens and have decided not to include it within the current set of proposed fees but may revisit the topic at a future date. The Keeper of the RoS accepts that in some cases, such as a small piece of ground being sold

from a larger area, that a Disposition containing Real Burdens is appropriate. In the case of housing developments, the Keeper believes that a Deed of Conditions or a Deed of Real Burdens is more appropriate and would improve the registration process for everyone.

Q13. The consultation paper shows the standover percentage but it does not show the percentage of actual applications cancelled compared to actual registrations.

A. In 2009/10 2,803 applications were cancelled which represents just over 1% of applications that were submitted for registration. This was made up of 1,593 Dealing with Whole applications, 900 First Registration applications and 310 Transfer of Part applications.

Q14. The consultation paper states that there are 400-500 pre-registration enquiries per month but there is no information to calculate the percentage enquiries against the number of deeds registered.

A. In 2009/10 there were 5441 pre-registration enquiries. If this figure is compared to the total number of applications for registration then this represents just over 2%.

Q15. How much do "free" services such as quarterly statistics and the online Scotland's House Prices cost?

A. There is minimal cost to RoS in providing the online service 'Scotland's House Prices'. It was previously chargeable but RoS derived very little income from it. Scottish Ministers have decided to retain it as a free service.

The quarterly house price statistics are an official statistic produced on behalf of the Government. There is little cost to RoS in providing these statistics and it helps to provide the Government and the public with an accurate picture of what is happening in the housing market in Scotland.