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Dear Consultee

REGISTERS OF SCOTLAND FEE REVIEW 2010 CONSULTATION

Responding to this consultation paper

We are inviting written responses to this consultation paper by 10 September 2010. **Please send your response with the completed Respondent Information Form (see "Handling your Response" below) to:**

FeeReviewConsultation@ros.gov.uk

or

Hugh Welsh
Registers of Scotland
Room 7.11
Hanover House
24 Douglas Street
Glasgow
G2 7NQ

If you have any queries contact Hugh Welsh on 0141 306 1513 or Hugh.Welsh@ros.gov.uk.

We would be grateful if you clearly indicate in your response which parts of the consultation paper you are responding to as this will aid our analysis of the responses received. This consultation can be viewed online at <http://www.ros.gov.uk/feereview2010>.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form**, which forms part of the consultation paper attached to this letter, as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that Registers of Scotland and the Scottish Government are subject to the provisions of the Freedom of Information

(Scotland) Act 2002 and would therefore have to consider any request made to them under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library within 20 working days of the consultation closing date and on the Registers of Scotland website within 25 working days of the consultation closing date. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

We aim to issue a report on this consultation process within 25 working days of the consultation closing date. Scottish Ministers have responsibility to fix fees by statutory order for any register under the control of the Keeper of the Registers of Scotland. All comments received by the end of the consultation period will be considered by Scottish Ministers prior to their finalising a new Fee Amendment Order and laying it before the Scottish Parliament. It is anticipated that any changes in the fees that Registers of Scotland charge would only take effect from the first quarter of 2011.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact details above.

Yours sincerely

Laura Petrie
Finance Director



ros.gov.uk

Registers of Scotland

Fee Review 2010

Consultation Paper



**REGISTERS OF SCOTLAND
FEE REVIEW 2010 CONSULTATION PAPER**

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1. Background

1. Registers of Scotland (RoS) is the non-Ministerial Government Department responsible for registering a variety of legal documents in Scotland mainly in relation to interests in land. We are self-funding, having been established as a Trading Fund in 1996. Following Devolution, we became part of the Scottish Administration and we are now associated with the Finance and Sustainable Growth Portfolio of the Scottish Government.

2. RoS is headed by a statutory officeholder, the Keeper of the Registers of Scotland, who is responsible for compiling and maintaining 16 public registers. Our work is primarily associated with the Land Register and the General Register of Sasines. We handle around half a million registration transactions each year and we also make information from the registers publicly available.

3. The setting of fees in our registers is within the statutory responsibility of Scottish Ministers and this consultation is being undertaken on their behalf and with their authority. The fees that RoS charge are required to be calculated on the principle of cost recovery. This derives from section 25 of the Land Registers (Scotland) Act 1868¹, which provides that "the amount of fees so fixed shall be no greater than is reasonably sufficient for defraying the expenses of the department of the Keeper, including the expenses of the improvement of the systems of such registration and recording".

4. The fees must be in line with 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".

5. The Keeper announced in the 2010-13 Corporate Plan that she intended biennially to conduct a review of both information and registration fees to ensure that the fees charged were within the above requirements.

6. The existing regime for registration and recording fees is set out in the Fees in the Registers of Scotland Amendment Order 2006², which amended the Fees in the Registers of Scotland Order 1995³. The 2006 Order was intended to reduce fees in such a way as to reduce RoS's annual income by at least 26% and was introduced as a deliberate measure to reduce the reserves then held.

7. The existing regime for information fees is set out in the Fees in the Registers of Scotland Amendment Order 2009⁴, which also amended the 1995 Order. The fees introduced in 2009 represented a reduction of 45% in information fee income and were designed to reflect costs against volumes at that time.

¹ c. 64 as inserted by section 23 of the Land Registration (Scotland) Act 1979 c.33

² S.S.I.2006/600

³ S.I. 1995/1945

⁴ S.S.I. 2009/171

8. In the period since these reviews, there has been a dramatic change in the housing market and in the wider economy. The reduction in fees that Scottish Ministers introduced in 2006 and 2009, combined with the fall in house prices and the volume of sales, has resulted in RoS incurring substantial annual losses. These are much larger than had been planned and are not sustainable in the medium to long term. In order to maintain the service that we provide to our customers and to invest in the future, a review of fees is being undertaken to re-establish full cost recovery. As well as conducting this fee review, we are undertaking a wider financial sustainability review that will seek to introduce greater efficiencies to RoS.

2. Proposed Changes to Registration and Recording Fees (See Annex A Section A)

9. All of the proposed changes to registration and recording fees have been determined on the basis of full cost recovery.

10. As per previous fee structures, no differential has been made between the fees for a First Registration (FR) of a property on the Land Register, a Dealing with Whole (DW) of a property already on the Land Register, a Transfer of Part (TP) of part of a property on the Land Register or a General Register of Sasines application. The proposed fees for these applications have been set at a level where the combined fees recover costs and enable reserves to be maintained at an appropriate level. This is to protect customers from the higher costs involved in registering on the Land Register for the first time.

11. The proposed fees for eServices are set at a level that is below the standard paper alternative. This is to reflect the reduced costs to RoS of such services and also to encourage their uptake. In respect of registration, the fees for Automated Registration of Title to Land (ARTL) have been set at a level below the paper alternative. ARTL enables electronic registration in the Land Register by means of an automated process and the reduced costs to RoS have been passed on to the customer.

Transfer Fees

12. If an application to the Land Register or a deed submitted for recording in the General Register of Sasines creates, transfers or varies an interest in land (other than a heritable security), such as a Disposition, then the fee is based on the amount of the consideration or value of the property transferred or affected, whichever is the greater.

13. In order to achieve full cost recovery, it is proposed to increase the minimum fee for applications, such as Dispositions, submitted in paper form from £30 to £60, with the ARTL minimum fee increasing from £20 to £50. All other fee bands will increase by 20% except those applying to properties for which the consideration is greater than £1 million as these fees are already

set at a relatively high level in comparison to the lower value properties. Annex A sets out the proposed fee bands in detail and shows that, although the fees will increase, the proposed levels will be in line with those that were charged as far back as 1995. It also shows that taking inflation into account the proposed transfer fees are substantially below the 1995 levels in real terms.

14. RoS publish quarterly house price figures that are classified as official statistics. These statistics are produced in accordance with the Code of Practice for official statistics and are available on our website at ros.gov.uk. The Code of Practice requires the statistics to be produced, managed and disseminated to high professional standards. RoS is the only organisation that holds the full picture on what is happening in the property market as we register every sale and property transfer in Scotland.

15. The latest quarterly figures published in May 2010 show that for the quarter January to March 2010 the average residential house price in Scotland was £147,854. Table 1 below shows that, in comparison to the fees charged in the Fees in the Registers of Scotland Order 1995, the proposed fee for this average price would be £240 in comparison to the 1995 fee of £330. ARTL enables electronic registration, which is reflected in the reduced fee of £180. ARTL was not available in 1995 so no comparison can be given.

Table 1: Registration Fees for the Average Residential House Price in Scotland £147,854

Year	Paper Application	ARTL Application
	£	£
1995	330	N/A
Current	200	150
Proposed	240	180

16. If the average residential house price increased to be within the range of £150,001 to £155,000 the comparison of fees would be as shown in Table 2 below. The proposed fees charged would be comparable to those charged in 1995 with the ARTL fee being below the standard 1995 fee. If the average residential house price increased further to the range of £160,001 to £165,000 the proposed fee for paper applications would be £360 in comparison to the 1995 fee of £363.

Table 2: Registration Fees for Properties Valued at £150,001 to £155,000

Year	Paper Application	ARTL Application
	£	£
1995	341	N/A
Current	300	225
Proposed	360	270

Charges, Miscellaneous Deeds and Other Registrations

17. During the consultation on the Fees in the Registers of Scotland Amendment Order 2006, it became clear that customers believed that there were too many fee bands. RoS addressed this by reducing the number of transfer bands from 51 to 12 and by introducing a fixed fee for Charges to replace the previous 31 bands of the *ad valorem* table that related to Charges. Initial consultation with customers has shown this to be popular and it is proposed that the current structure be retained.

18. Along with keeping the current structure, it is proposed that the fee for registering or recording any deed that relates to a Standard Security will increase from £30 to £60 for paper applications and from £20 to £50 for ARTL applications. Such deeds would include a Standard Security, Discharge of a Standard Security, Deed of Restriction, Deed of Variation, Ranking Agreement and Deed of Postponement. This should be seen in the context of the previous reduction in fees for such applications with the table in Section A of Annex A showing the 1995 cost of registering or recording a Standard Security ranging from £22 to £3,750.

19. The £60 minimum fee will also apply to applications for registering or recording any deed not specifically mentioned in the Fee Order. These deeds are referred to as Miscellaneous Deeds and include deeds such as Tree Preservation Orders, Notice of Payment of Improvement Grants and Deed of Conditions.

20. The £60 minimum fee will also apply to Form 5 applications for noting of an overriding interest and Form 9 applications for rectification of the Land Register. It will also apply to the recording of a memorandum and deeds that complete title or effect a survivorship destination. This reflects the costs involved in such applications.

Multiple Applications

21. The Fees in the Registers of Scotland Order 1995 contains a section relating to "recording and registration fees for single transactions effected by more than one deed and/or application". Under this provision the fee for large, multiple applications over many deeds is currently set on the basis of one fee that is calculated on the total value of all of the properties plus a minimum fee for all other titles and deeds submitted for registration or recording.

22. It is proposed that this provision is not replicated in a new Order so that such applications will be treated like any other applications. Each deed submitted would be fee on value with a minimum fee payable for any other title sheet affected by that deed. This change would better reflect the costs that RoS incur with such applications. Any change will not be retrospective and any arrangements for existing applications under the current provisions will remain unchanged at the date of a new Fee Order.

Rejections

23. Last year, some 20,712 applications that were submitted for registration were rejected at the initial intake stage because of fundamental legal errors or omissions. We do not currently charge a fee for such applications despite the costs that we incur for the work required to examine and reject applications. It is proposed that RoS introduce a fee of £30 for rejected applications to recoup the costs of the process.

Cancellations

24. In addition to applications that are rejected at the initial intake check, a significant number of applications currently result in further dialogue with the submitting solicitor either to return a deed for amendment or to requisition further evidence. When this occurs, applications are placed in 'standover'. At present, 36% of FR applications, 29% of TP applications and 16% of DW applications go into Standover.

25. Sometimes, cases that reach this stage have to be cancelled because they are not supported by the basic evidential requirements necessary for registration. Currently, the charge for a cancellation is £30. This does not cover the costs involved. It is proposed that the cancellation fee be set at the application fee but with a cap of £400. This would enable RoS to recoup the costs involved and should also be an incentive to applicants and their agents to provide the required evidence. The proposed new cancellation fee will apply to all applications irrespective of the date submitted.

Dispositions Containing Real Burdens

26. The Title Conditions (Scotland) Act 2003⁵ sets out the terms in which Real Burdens can be created. There are a number of ways in which this can be achieved but some take a lot longer for RoS to progress. This increases the cost to RoS and increases the turnaround time for the customer. It is the view of the Keeper that the best way of reflecting such burdens is in a separate Deed of Conditions or Deed of Real Burdens.

27. Applications that are submitted with a separate Deed of Conditions are clearer and much quicker for RoS to progress than Dispositions containing Real Burdens that have to be dual registered against all other impacted titles. Where a solicitor chooses not to use a Deed of Conditions, and submits a constitutive deed containing Real Burdens in terms of the 2003 Act, and where section 53 of the said Act does not apply, we propose to introduce a flat-rate supplementary charge of £400 in addition to the standard transfer fee.

⁵ asp 9

3. Proposed Changes to Information Fees (See Annex A Section B Inspection of the Registers)

28. All of the fees proposed below have been determined on the basis of full cost recovery except in two areas where it is proposed to retain changes from the previous information fee review: no fee to be charged for a nil return on Registers Direct and free access to our online Scottish House Prices.

Registers Direct

29. RoS give access to much of the information that it holds directly to customers electronically via Registers Direct. The public can access this information through their appointed agents, such as solicitors and private searchers. To reflect the costs to RoS, it is proposed to increase the standard Registers Direct search fee from £1.80 plus VAT to £3.00 plus VAT.

30. It is also proposed to make Sasine deeds available via Registers Direct in the future. This fee review will make provision for this service and the proposed fee is the standard Registers Direct search fee of £3.00 plus VAT.

31. Where information or copies cannot be obtained from Registers Direct and we have to source them from the National Archives of Scotland (NAS), the fee will be set at £5.00 plus VAT plus the fee charged to us by NAS. The current NAS fee is £6 but their fees are currently being reviewed, so structuring the price in this way will allow RoS to respond to future fee changes by NAS.

Customer Service Centre Charges

32. As well as using solicitors and private searchers, the public can access Registers Direct through RoS staff at our Customer Service Centres in Glasgow and Edinburgh. Up until now customers using our Customer Service Centres have only been charged the standard Registers Direct search fee. No account has been taken of the RoS' staff time to conduct these searches. In order to recoup the costs involved, it is proposed to introduce a handling charge for RoS conducting these searches.

33. For search requests submitted by email, fax or letter it is proposed that there will be the standard Registers Direct charge of £3.00 plus VAT with an additional charge of £8.00 plus VAT to reflect the cost of an RoS member of staff conducting the search.

34. For search requests made in person at the Customer Service Centres, it is proposed to set a fee of the standard £3.00 plus VAT with an additional charge of £12.00 plus VAT to reflect the cost of an RoS member of staff conducting the search. The difference in fee represents the lower level of costs to RoS in dealing with requests submitted by email, fax or letter.

Personal Presentments

35. Customers can present applications in person for registration or recording at our Customer Service Centres. These applications are examined as the customer waits and if they meet the required legal requirements then they are accepted and a receipt issued. Although RoS incur costs in operating this service, no additional fee is currently charged for it. It is therefore proposed that where customers making personal presentments at our Customer Service Centres require the documents to be scanned while they wait and a receipt issued, they will be charged £15.00 plus VAT in addition to the fee for registration or recording. If the documents are simply left to be taken on to the application record that day then no personal presentment fee will be levied.

Pre-registration Enquiries

36. The Keeper has no statutory duty to provide a pre-registration service. However, RoS currently provide a service through which solicitors can enquire as to the Keeper's likely view on a title issue relating to a forthcoming application for registration in the Land Register. The service was introduced to assist the roll-out of counties on to the Land Register. It was anticipated that as solicitors became more familiar with the workings of the Land Register the number of enquiries would gradually decline to the point where the service was no longer required.

37. Although all counties are now on the Land Register and have been so for a number of years, RoS still receive between 400 and 500 pre-registration enquiries each month. This brings significant costs to RoS as most enquiries require skilled staff input to deal with them and they can take some time to research answers. At present, pre-registration enquiries are free but to recoup the cost involved it is proposed that a standard fee of £50 be charged for each pre-registration enquiry.

4. Proposed Changes to Report Fees (See Annex A Section C)

38. RoS compete with firms of Private Searchers for the provision of Land Register Reports. The proposed fees for those products reflect the full cost of providing this service.

5. Proposed Changes to Miscellaneous Services Fees (See Annex A Section D)

39. Fees in respect of miscellaneous services have been increased to reflect the full cost of providing them.

6. Proposed Changes to Chancery and Judicial Registers (CAJR) Fees (See Annex A Section E)

40. In addition to the Property Registers, the Keeper has responsibility for 14 Judicial and Crown Registers. Collectively, these are known as the Chancery and Judicial Registers (CAJR). The largest are the Register of Deeds and Probative Writs in the Books of Council and Session, which enables original probative documents to be preserved in perpetuity, and the Register of Inhibitions and Adjudications, which provides details of any bankruptcy or deeds for debt-related court action that prevent a party from transacting with heritable property. The current CAJR fees have been reviewed and they meet the criteria of full cost recovery. No changes are therefore proposed.

7. Summary

41. The Keeper invites responses on the changes that Scottish Ministers propose to fees charged by RoS as highlighted in this consultation paper. The proposed changes have been determined in relation to the Keeper's responsibility to apply the principle of full cost recovery.

42. Although the changes aim to increase RoS' revenues by 40%, it should be seen in the context of the previous reductions in RoS fees of 26% for registration and 45% for information fees. It should also be stressed that in the period up to the end of the current Corporate Plan in March 2013 the proposed fees would still see RoS generating a small loss. Going forward, along with the introduction of greater efficiencies, it will set in place the basis of full cost recovery for the services that RoS provides.

43. The main proposals of the review are as follows:

- An increase in most Registration Fees.
- The fee for Charges and miscellaneous deeds to increase from £30 to £60 for paper applications and from £20 to £50 for ARTL applications.
- Provision relating to the feeing of related applications submitted in a number of deeds to be deleted from the Fee Order.
- A fee of £30 to be introduced for applications rejected prior to being accepted for the Land Register.
- The fee for cancellation of an application to be set at the application fee but with a cap of £400.
- An additional charge of £400 introduced for constitutive deeds containing Real Burdens instead of a separate Deed of Conditions.
- No change to CAJR fees.
- No charge for nil returns on Registers Direct retained.
- Scottish House Prices remain free.
- Fees for Reports to rise in line with costs.
- The standard Registers Direct search fee will be £3 plus VAT.

- Provision will be made for a new Registers Direct service of providing copy Sasine deeds at the standard Registers Direct fee of £3 plus VAT.
- Charges will be introduced for RoS staff conducting searches via Registers Direct.
- An additional fee of £15 will be introduced for personal presentments of applications at our Customer Service Centres.
- A fee of £50 will be introduced for our pre-registration enquiries service.

44. RoS is committed to consulting its customers on any changes affecting the provisions of its services. All comments received by the end of the consultation period will be considered by Scottish Ministers prior to their finalising a new Fee Amendment Order and laying it before the Scottish Parliament. It is anticipated that any change in the fees that RoS charge would take effect from the first quarter of 2011.

45. Attached for information at Annex D is a primary distribution list of firms and organisations that are being sent this consultation paper. We would be grateful if you could advise us of any other organisations that you consider should be consulted. This paper will also be available in alternative formats and in translation to community languages on request to the contact highlighted in the covering letter.

Registers of Scotland
June 2010



Potential Fees and Comparison Over Time

Creation, Transfer or Variation of an Interest in Land (Transfer Fees)

Consideration Paid or Value	Actual 1995 Fees		1995 Fees with inflation to 2010		Actual Current Fees		Proposed Fees	
	Paper £		Paper £		Paper £	ARTL £	Paper	ARTL
0 - 50,000	22	- 110	34	- 168	30	20	60	50
50,001 - 100,000	121	- 220	185	- 336	100	75	120	90
100,001 - 150,000	231	- 330	353	- 504	200	150	240	180
150,001 - 200,000	341	- 440	520	- 672	300	225	360	270
200,001 - 300,000	500		763		400	300	480	360
300,001 - 500,000	550	- 600	839	- 916	500	375	600	450
500,001 - 700,000	650	- 700	992	- 1,068	600	450	720	540
700,001 - 1,000,000	800	- 900	1,221	- 1,374	700	550	840	660
1,000,001 - 2,000,000	1,500	- 2,000	2,289	- 3,052	1,000	800	1,000	800
2,000,001 - 3,000,000	3,000		4,579		3,000	2,500	3,000	2,500
3,000,001 - 5,000,000	5,000		7,631		5,000	4,500	5,000	4,500
5,000,001+	7,500		11,446		7,500	7,000	7,500	7,000

Other Fees

SECTION A: Land Register and General Register of Sasines Fees	1995 Charge	Current Charge	Proposed Charge
	£	£	£
Standard Security/Discharge	22 - 3,750	30(20 ARTL)	60 (50 ARTL)
Miscellaneous Deeds	25	30(20 ARTL)	60 (50 ARTL)
Form 5 (noting overriding interest)	22	30	60
Form 9 (rectification)	25	30	60
Recording any memorandum	11	30	60
Grant of Long Lease - on consideration plus 10x Rent	Formula	Formula	No Change
Assignment of Lease - on consideration plus 10x Rent	Formula	Formula	No Change
Completion of Title by certain public bodies	44	30	60
Excambion	On Value	On Value	No Change
Operation of a Survivorship Destination	22	30	60
Single Applications - Multiple Titles - Fee on Total value + a minimum fee for each other Title	+ 22 per Title	+ 30 per Title	+ 60 per Title
Single Transactions - more than 1 deed - Fee was based on Total value + a minimum fee for each deed/title	Formula	Formula	N/A
Receipt under Industrial & Provident Societies Act 1965	0.25	0.25	0.25
Cancellation	22 or 1/2 App Fee	30	App Fee to max of £400
Rejections	N/A	N/A	30
Constitutive Deed containing Real Burdens and section 53 of 2003 Act does not apply - supplementary charge in addition to transfer fee	N/A	N/A	400

SECTION B: Inspection of the Registers – plus VAT	2005 Charge	Current Charge	Proposed Charge
	£	£	£
Sasine Presentment Book	1.65	1.80	3.00
Sasine Minute Book	1.65	1.80	3.00
Sasine Search Sheet	1.65	1.80	3.00
LR Application record	3.30	1.80	3.00
LR Map Navigation	1.65	1.80	3.00
LR Title Sheet Record	3.30	1.80	3.00
Deeds Searches	1.65	1.80	3.00
Judgments Defender Searches	1.65	1.80	3.00
ROI Searches	1.65	1.80	3.00
Property Price Search	3.30	Nil	Nil
Fee for Nil Return	Standard	Nil	Nil
Sasine Copy Deeds via Registers Direct	N/A	N/A	3.00
Search submitted by e-mail, letter, fax and conducted by RoS Staff - per search in addition to the standard search fee	N/A	N/A	8.00
Search submitted in person and conducted by RoS Staff - per search in addition to the standard search fee	N/A	N/A	12.00
Personal Presentments (in addition to application fee)	N/A	N/A	15.00
Pre-Registration Enquiries	N/A	N/A	50.00

SECTION C: Reports	2005 Charge	Current Charge	Proposed Charge
	£	£	£
Form 10 Report prior to registration	27.00	28.50	32.00
Form 11 Continuation of report prior to registration	15.00	16.50	19.00
Form 12 Report over registered subjects	27.00	28.50	32.00
Form 13 Continuation of report over registered subjects	15.00	16.50	19.00
Form 14 Report to ascertain whether subjects registered	27.00	28.50	32.00
P16 Comparison of bounding description with Ordnance Map	27.00	28.50	29.50
P17 Comparison of Certificate Plan with Ordnance Map	27.00	28.50	32.00
Form 10/P16 Combination	40.00	41.00	45.00
Form 12/P17 Combination	40.00	41.00	45.00

SECTION D: Miscellaneous Services – plus VAT	2005 Charge	Current Charge	Proposed Charge
	£	£	£
Provision of a plain or duplicate copy	16.50	8.00	16.00
Provision of a certified copy or official extract	20.70	15.00	30.00
Provision of an official extract from NAS	N/A	5.00 + NAS fee	10.00 + NAS fee
Provision of Office Copy	25.00	15.00	30.00
Provision of Sasine Copy Deed	9.00	8.00	5.00 + NAS fee
Handling second copies requested same time as the first	6.00	8.00	10.00
Provision of Land Register Archive Information	14.20	8.00	16.00
Provision of ROI in bulk (per day)	21.00	19.50	21.00
Sales for consideration (for all of Scotland). Note: Also available on a registration county basis for a reduced fee.	n/a	450 per month	675 per month
Land values report (for all of Scotland). Note: Product available on a registration county basis for a reduced fee.	n/a	622 per month	933 per month
Creditor/legal agent report	n/a	100 per month (or quarter)	150 per month (or quarter)
Data set of registration county boundaries	n/a	100	150
Provision of minutes of General Register of Sasines	n/a	252 per month	378 per month
Report on post code sectors	n/a	105 per month (or quarter)	150 per month (or quarter)

SECTION E: CAJR – plus VAT on extracts and copies	1995 Charge	Current Charge	Proposed Charge
	£	£	£
Register of Inhibitions & Adjudications	20	15	15
Register of Deeds & Protests, Judgements	10	10	10
Register of the Great Seal for a Charter of Incorporation	170	250	250
For a Charter of Novodamus or other Crown grant of land, Unsealed/Sealed	44/170	60/250	60/250
For a Commission	500	630	630
Register of the Cachet Seal	15	30	30
Register of the Quarter Seal	44	130	130
Register of Community Interests in Land (Agricultural Tenants) - initial registration of tenant's interest	n/a	40	40
Register of Community Interests in Land (Agricultural Tenants)-registration existing/previously reg interest	n/a	25	25
Handling second and subsequent extracts and for copies	6	8	10
Certificate issued under the Civil Jurisdiction and Judgements Act 1982(a)	21	30	30
Certificate of Custody when a deed is retained for permanent preservation	10	20	20

THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the relevant website enabling a wider audience to access the paper and submit their responses. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

RESPONDENT INFORMATION FORM**Registers of Scotland Fee Review 2010 Consultation**

Please note that this form must be returned with your response to ensure that we handle your response appropriately:

Name:

Organisation Name:

Postal Address:

Phone/Email:

1. Are you responding as: (please tick one box)
- | | |
|--------------------------------------|---------------------------------------|
| an individual | <input type="checkbox"/> (go to 2a/b) |
| on behalf of a group or organisation | <input type="checkbox"/> (go to 2c) |

2a. INDIVIDUALS

Do you agree to your response being made available to the public (in the Scottish Government library and on the RoS website)?

- | | |
|----------------------|--------------------------|
| Yes (go to 2b below) | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

- 2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**Please tick one** of the following boxes)

- | | |
|--|--------------------------|
| Yes, make my response, name and address all available | <input type="checkbox"/> |
| Yes, make my response available, but not my name and address | <input type="checkbox"/> |
| Yes, make my response and name available, but not my address | <input type="checkbox"/> |

2c. ON BEHALF OF GROUPS OR ORGANISATIONS:

The name and address of your organisation **will be** made available to the public (in the Scottish Government library and on the RoS website).

Are you content for your response to be made available?

- | | |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

3. We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in relation to this consultation exercise?

- | | |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

List of Consultees

Primary Distribution List

1. Convention of Scottish Local Authorities (COSLA)
2. Council of Mortgage Lenders
3. All major firms of Private Searchers
4. Homes for Scotland
5. Law Society of Scotland
6. Lord President of the Court of Session
7. National Association of Estate Agents
8. Royal Institute of Chartered Surveyors
9. Scottish Consumer Council
10. Scottish Courts Service
11. Scottish Law Agents' Society
12. WS Society
13. Society of Local Authority Chief Executives and Senior Managers (SOLACE)
14. The Royal Incorporation of Architects in Scotland
15. Institute of Chartered Accountants of Scotland
16. Faculty of Advocates
17. Society of Local Authority Lawyers and Administrators in Scotland (SOLAR)
18. All Scottish local authorities
19. All Scottish police forces
20. Scottish Crime and Drugs Enforcement Agency
21. HM Revenue and Customs
22. Scottish Water
23. Scottish and Southern Energy
24. Scottish Hydro Electric
25. Scottish Gas
26. Consumer Council for Water
27. All Scottish MEPs
28. Equal Opportunities Commission
29. Commission for Racial Equality
30. Disability Rights Commission

Partial Regulatory Impact Assessment

1. Title of proposal

1. Registers of Scotland Fees Review 2010 Consultation

2. Objective

2. This is a draft regulatory impact assessment of the changes set out in the above consultation, which seeks views on proposed changes to the fees Registers of Scotland (RoS) charges. The policy objective of the fee increases proposed is to meet RoS's obligation to recover the full operating costs of providing our services. This paper considers the impact on business and other interests of the proposed changes. The proposals and this assessment may be revised following this consultation.

• Background and Reasons for change

3. RoS is a non-Ministerial Government Department within the Scottish Administration and is headed by the Keeper of the Registers of Scotland, who is responsible for compiling and maintaining 16 public registers relating to property and other legal documents including the General Register of Sasines (established in 1617) and the Land Register of Scotland (established by the Land Registration (Scotland) Act 1979). RoS's work is demand led, fluctuating in response to activity in the property market. We handle around half a million registration transactions each year and also make information from the registers publicly available.

4. Our work is self-financing, being funded by the fees that we charge for recording, registration and for providing information from the registers.

5. Statutory responsibility for the setting of fees rests with Scottish Ministers and this consultation is being undertaken on their behalf and with their authority. The fees that RoS charge are required to be calculated on the principle of cost recovery. This derives from section 25 of the Land Registers (Scotland) Act 1868, which provides that "the amount of fees so fixed shall be no greater than is reasonably sufficient for defraying the expenses of the department of the Keeper, including the expenses of the improvement of the systems of such registration and recording".

6. The fees must also be in line with 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".

7. The Keeper announced in the 2010-13 Corporate Plan that she intended biennially to conduct a review of both information and registration fees to ensure that the fees charged were within the above requirements.

8. The existing regime for registration and recording fees is set out in the Fees in the Registers of Scotland Amendment Order 2006, which amended the Fees in the Registers of Scotland Order 1995. The 2006 Order was intended to reduce fees in such a way as to reduce RoS's annual income by at least 26% and was introduced as a deliberate measure to reduce the reserves then held.

9. The existing regime for information fees is set out in the Fees in the Registers of Scotland Amendment Order 2009, which also amended the 1995 Order. The fees introduced in 2009 represented a reduction of 45% in information fee income and were designed to reflect costs against volumes at that time.

10. In the period since these reviews there has been a dramatic change in the housing market and in the wider economy. The reduction in fees that Scottish Ministers introduced in 2006 and 2009, combined with the fall in house prices and the volume of sales, has resulted in RoS incurring substantial annual losses. These are much larger than had been planned and are not sustainable in the medium to long term. In order to maintain the service that we provide to our customers and to invest in the future, a review of fees is being undertaken to re-establish full cost recovery. As well as conducting this fee review, we are undertaking a wider financial sustainability review that will seek to introduce greater efficiencies to RoS.

3. Consultation

• Within government

11. Ministerial approval has been given to RoS by the Cabinet Secretary for Finance and Sustainable Growth and the Minister for Enterprise, Energy, and Tourism to conduct this consultation.

• Pre consultation exercise

12. A pre-consultation exercise was undertaken to seek the views of the public through their appointed agents, being solicitors and private searchers. RoS Account Managers also contacted other users of our services such as local authorities and the police. The pre-consultation exercise gathered views on the current fees that RoS charge and on the impact that any potential increase in fees would have.

13. The feedback in general showed that while customers would prefer for there not to be any increase in fees, there was understanding of the need for RoS to recover the cost of providing services. The feedback highlighted that customers wished to retain three changes introduced by previous reviews. The first is the retention of no fee being charged for a nil return on Registers Direct; the second is the retention of fixed fees for Charges; and the third is free house price searches. The fees proposed in this consultation will retain each of these changes.

- **Public consultation**

14. RoS is committed to consulting its customers on any changes affecting the provisions of its services. The consultation will take place for 12 weeks between 21 June 2010 and 10 September 2010. All comments received by the end of the consultation period will be considered by Scottish Ministers prior to their finalising a new Fee Amendment Order and laying it before the Scottish Parliament. It is anticipated that any change in the fees that RoS charge would not be implemented until the first quarter of 2011.

4. Options

15. Prior to this consultation, RoS considered alternative options for its fee structure. It looked at the option of doing nothing as well as introducing a new fee structure.

Option 1: Do nothing and remain with status quo

16. RoS is self financing and has a responsibility to set fees at a level of full cost recovery. During the housing market boom RoS generated substantial profits and made a conscious decision to set fees at a loss-making level to reduce reserves. This led to the 26% annual reduction in income from registration fees in the 2006 Amendment Order and the 45% annual reduction in information fee income from the 2009 Amendment Order.

17. RoS has now reduced its reserves considerably and to sustain business viability can no longer maintain the current level of loss making fees.

Option 2: Introduce a New Fee Structure

18. The introduction of a new fee structure is the only means by which RoS can return to a level of charges based on full cost recovery. This will create a stable base for RoS to move forward and to continue to play a key role within the Scottish economy. A change in fees can only be implemented by statutory order in terms of s25 of the Land Registers (Scotland) Act 1868.

5. Costs and benefits

- **Sectors and groups affected**

19. The information, registration and recording services provided by RoS are offered to the public at large and to corporate bodies, partnerships, associations and other organisations on the same basis. The same fee structure is applied to all persons, bodies, sectors and groups irrespective of their size or legal status. No discounted fees are proposed for high volume customers. This ensures that the fees charged are fair to all who use our services.

20. RoS give access to much of the information that we hold directly to customers electronically via Registers Direct. The public can access this information through their appointed agents, for example solicitors and private searchers, who can impose a charge on top of the Registers Direct search fee for their time and costs. The public can also contact RoS in person at our Customer Service Centres in Glasgow or Edinburgh, or by letter, fax or email to request that RoS staff conduct a search via Registers Direct. The new fee structure does not restrict non electronic access to any of our services but takes account of the additional cost of providing these services where cheaper electronic methods are also available.

- **Benefits**

21. The proposed fees will ensure that RoS will be charging on the basis of full cost recovery. This will enable RoS to continue to play a key role in the Scottish economy. We are a key part of the infrastructure that supports the Scottish economy, underpinning the property market by registering and providing State-backed indemnity protection for some £50 billion of property transactions each year. The legal effects and presumptions that arise from registering deeds in our registers, combined with public access to the up-to-date information contained in those registers, provides clarity and certainty for proprietors transacting with their properties and for those, such as lenders, who do business with them.

22. It is proposed to retain two of the more popular changes from the previous information fee reviews: no fee to be charged for a nil return on Registers Direct and free access to our online Scottish House Prices.

23. In respect of applications such as Dispositions, the proposed new charges remain broadly in line with the original fees introduced by the Fees in the Registers of Scotland Order 1995 and there will be no increase in registration fees for properties over £1 million as these fees are already set at a relatively high level in comparison to lower value properties.

24. RoS latest quarterly figures published in May 2010 show that for the quarter January to March 2010 the average residential house price in Scotland was £147,854. Table 1 below shows that in comparison to the fees charged in the Fees in the Registers of Scotland Order 1995, the proposed fee for this average price would be £240 in comparison to the 1995 fee of £330. Automated Registration of Title to Land (ARTL) enables electronic registration which is reflected in the reduced fee of £180. ARTL was not available in 1995 so no comparison can be given.

Table 1: Registration Fees for the Average Residential House Price in Scotland £147,854

Year	Paper Application	ARTL Application
	£	£
1995	330	N/A
Current	200	150
Proposed	240	180

25. If the average residential house price increased to be within the range of £150,001 to £155,000 the comparison of fees would be as shown in Table 2 below. The proposed fees charged would be comparable to those charged in 1995 with the ARTL fee being below the standard 1995 fee. If the average residential house price increased further to the range of £160,001 to £165,000, the proposed fee for paper applications would be £360 in comparison to the 1995 fee of £363.

Table 2: Registration Fees for Properties Valued at £150,001 to £155,000

Year	Paper Application	ARTL Application
	£	£
1995	341	N/A
Current	300	225
Proposed	360	270

Standard Security

26. During the consultation in respect of the Fees in the Registers of Scotland Amendment Order 2006 it became clear that customers believed that there were too many fee bands. RoS addressed this by reducing the number of transfer bands from 51 to 12 and by introducing a fixed fee for Charges to replace the previous 31 bands of the ad valorem table that related to Charges. Initial consultation with customers has shown this to be popular and it is proposed that the current structure be retained.

27. Along with keeping the current structure, it is proposed that the fee for registering or recording any deed that relates to a Standard Security will increase from £30 to £60 for paper applications and from £20 to £50 for ARTL applications. Such deeds would include a Standard Security, Discharge of a Standard Security, Deed of Restriction, Deed of Variation, Ranking Agreement and Deed of Postponement. This should be seen in the context of the previous reduction in fees for such applications with the 1995 cost of registering or recording a Standard Security ranging from £22 to £3750.

Chancery and Judicial Registers (CAJR)

28. One area of benefit to customers is the proposed retention of the same level of fees for CAJR, which we have determined are already set at a level of full cost recovery.

Registers Direct

29. RoS give access to much of the information that it holds directly to customers electronically via Registers Direct. The public can access this information through their appointed agents, such as solicitors and private searchers. It is proposed to make Sasine deeds available via Registers Direct in the future. This fee review will make provision for this service and the proposed fee is the standard Registers Direct search fee of £3.00 plus VAT.

30. Where copies cannot be obtained from Registers Direct the fee will be set at £5.00 plus VAT plus the fee charged to us by the National Archives of Scotland (NAS), which holds the information. The current NAS fee is £6 but their fees are currently being reviewed so structuring the price in this way will allow RoS to respond to future fee changes by NAS.

• Costs

31. As the fees are moving back to full cost recovery this means that costs for customers will rise but this should be seen in the context of previous fee reductions. The following areas of proposed change should be noted where the current levels of cost are not recoverable and are now viewed by RoS as being unsustainable without additional fees.

Multiple Applications

32. The Fees in the Registers of Scotland Order 1995 contains a section relating to the "recording and registration fees for single transactions effected by more than one deed and/or application". Under this provision it means that the fee for large multiple applications over many deeds is currently set on the basis of one fee that is calculated on the total value of all of the properties plus a minimum fee for all other titles and deeds submitted for registration or recording.

33. It is proposed that in future each deed submitted would be feed on value with a minimum fee payable for any other title sheet affected by that deed because current fees are not cost effective. This change would better reflect the costs that RoS incur with such applications but will result in greater costs to organisations involved in these types of transaction.

Rejections

34. Last year, some 20,712 applications that were submitted for registration were rejected at the initial intake stage because of fundamental legal errors or omissions. We do not currently charge a fee for such applications but incur costs for the work required to examine and reject them. It is therefore proposed that RoS introduce a fee of £30 for rejected applications to recoup the costs of the process.

Cancellations

35. In addition to applications that are rejected at the initial intake check, a significant number of applications currently result in further dialogue with the submitting solicitor, either to return a deed for amendment or to requisition further evidence. When this occurs, applications are placed in 'standover'. At present, 36% of applications for First Registration (FRs), 29% of applications for Transfer of Part (TPs) and 16% of applications for a Dealing with Whole (DWs) go into Standover.

36. Sometimes, cases that reach this stage have to be cancelled because they are not supported by the basic evidential requirements necessary for registration. Currently, the charge for a cancellation is £30: this does not cover the costs involved. It is proposed that the cancellation fee be set at the application fee but with a cap of £400. This would enable RoS to recoup the costs involved and should also be an incentive to applicants and their agents to provide the required evidence. The proposed new cancellation fee will apply to all applications irrespective of the date submitted.

Dispositions Containing Real Burdens

37. The Title Conditions (Scotland) Act 2003 sets out the terms in which Real Burdens can be created. There are a number of ways in which this can be achieved but some take a lot longer for RoS to progress. This increases the cost to RoS and increases the turnaround time for the customer. It is the view of the Keeper that the best way of reflecting such burdens is in a separate Deed of Conditions or Deed of Real Burdens.

38. Applications that are submitted with a separate Deed of Conditions are clearer and much quicker for us to progress than Dispositions containing Real Burdens that have to be dual registered against all other impacted titles. Where a solicitor chooses not to use a Deed of Conditions, and submits a constitutive deed containing Real Burdens in terms of the 2003 Act and section 53 of the said Act does not apply, we propose to introduce a flat-rate supplementary charge of £400 in addition to the standard transfer fee.

Reports

39. RoS compete with firms of Private Searchers to provide Land Register Reports. The proposed fees for these products reflect the full cost of providing this service.

Registers Direct

40. It is proposed to increase the standard Registers Direct search fee from £1.80 plus VAT to £3.00 plus VAT.

Customer Service Centre and Charges

41. As well as using solicitors and private searchers, the public can access Registers Direct through RoS staff at our Customer Service Centres in Glasgow and Edinburgh. Up until now customers using our Customer Service Centres have only been charged the standard Registers Direct search fee. In order to recoup the costs of staff time, it is proposed to introduce a handling charge for RoS conducting these searches.

42. For search requests submitted by email, fax or letter it is proposed that there will be the standard Registers Direct charge of £3.00 plus VAT with an additional charge of £8.00 plus VAT to reflect the cost of an RoS member of staff conducting the search.

43. For search requests made in person at the Customer Service Centres, it is proposed to set a fee of the standard £3.00 plus VAT charge with an additional charge of £12.00 plus VAT to reflect the cost of an RoS member of staff conducting the search. The difference in fee represents the lower level of costs to RoS in dealing with requests submitted by email, fax or letter.

Personal Presentments

44. Customers can present applications in person for registration or recording at our Customer Service Centres. These applications are examined as the customer waits and if they meet the required legal requirements then they are accepted and a receipt issued. Although RoS incur costs in operating this service, no additional fee is currently charged for it. It is therefore proposed that where customers making personal presentments at our Customer Service Centres require the documents to be scanned while they wait and a receipt issued, they will be charged £15.00 plus VAT in addition to the fee for registration or recording. If the documents are simply left to be taken on that day no personal presentment fee will be levied.

Pre-registration Enquiries

45. The Keeper has no statutory duty to provide a pre-registration service. However, RoS currently provide a service through which solicitors can enquire as to the Keeper's likely view on a title issue relating to a forthcoming application for registration in the Land Register. The service was introduced to assist the roll-out of counties on to the Land Register. Although all counties are now on the Land Register, RoS still receive between 400 and 500 pre-registration enquiries each month which incurs significant additional staff cost. At present these enquiries are free but to recoup the cost involved it is proposed that a standard fee of £50 be charged for each pre-registration enquiry.

6. Small/Micro Firms Impact Test

46. There will be no differential impact on small business as a result of the proposed fees. The fees apply equally to all customers irrespective of size. but are being set at a level to reflect the true costs to RoS.

7. Legal Aid Impact Test

47. There are no legal aid implications as a result of the proposed fees.

8. "Test Run" of business forms

48. There will be no new forms as a result of the proposed fees.

9. Competition assessment

49. The proposed fees have been set on a basis that is consistent with UK and EC competition law. The fee review was conducted in accordance with generally accepted accounting principles.

50. In respect of the provision of registration or recording services, RoS is not in competition. The fees for such services are in respect of the provision of a public service. RoS compete with firms of Private Searchers as regards the provision of Land Register Reports. The proposed fees for those products reflect the full cost of providing this service. It is considered that the proposed fees will have no effect on competition.



Equalities Impact Assessment

Registers of Scotland Fee Review 2010 Consultation

What is the purpose of the proposed policy (or changes to be made to the policy)?

The consultation paper sets out proposals for changes to the fees that Registers of Scotland (RoS) charge.

Who is affected by the policy or who is intended to benefit from the proposed policy and how?

The proposed fees will impact on all customers who use the registration, recording and information services that RoS provide. Anyone who is transacting with property or who is looking for information about property in Scotland is likely to be impacted. All of our services are offered to the public at large and to organisations on the same basis. The same fee structure is applied to all persons, bodies, sectors and groups irrespective of their size of legal status.

How have you, or will you, put the policy into practice, and who is or will be delivering it?

Scottish Ministers by statutory order fix fees for RoS and RoS is committed to consulting its customers on any changes affecting the provisions of its services. All comments received by the end of the consultation period will be considered by Scottish Ministers prior to their finalising a new Fee Amendment Order and laying it before the Scottish Parliament.

How does the policy fit into our wider or related policy initiatives?

RoS operates within the National Performance Framework set by Scottish Ministers. The Framework underpins delivery of the Scottish Government's purpose, which is "to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth".

The proposed fees will ensure that RoS will be charging on the basis of full cost recovery. This will enable RoS to continue to play a key role in the Scottish economy. We are a key part of the infrastructure that supports the Scottish economy, underpinning the property market by registering and providing State-backed indemnity protection for over £50 billion of property transactions each year. The legal effects and presumptions that arise from registering deeds in our registers, combined with public access to the up-to-date information contained in those registers, provides clarity and certainty for proprietors transacting with their properties and for those, such as lenders, who do business with them.

Have the resources for your policy been allocated?

Yes

What do you already know about the diverse needs and/or experiences of your target audience?

RoS is not aware of any evidence that any of the six equality strands of age, disability, gender, lesbian, gay, bisexual and transgender, race or religion and belief are a factor in this proposal.

What else do you need to know to help you understand the diverse needs and/or experiences of your target audience?

RoS considers that the proposals will affect all businesses and individuals equally.

What does the information you have tell you about how this policy might impact positively or negatively on the different groups within the target audience?

RoS is not aware of any evidence that the proposal affects different groups in different ways.

Will you be making any changes to your policy?

Changes may be made to the policy by Scottish Ministers in the light of consultation responses.

Does your policy provide the opportunity to promote equality of opportunity or good relations?

Given the nature of the policy, we do not believe it gives an opportunity to promote equality of opportunity or good relations.

Based on the work you have done - rate the level of relevance of your policy

We do not believe that the policy impacts on equality considerations.

Do you need to carry out a further impact assessment?

No

Please explain how you will monitor and evaluate this policy to measure progress

The Keeper of the Registers of Scotland announced in the 2010-13 Corporate Plan that she intended biennially to conduct a review of both information and registration fees to ensure that the fees charged were within the basis of full

cost recovery. The impact of the proposed fees will be regularly monitored over this period.

Sign off and publish impact assessment

Policy Title	Registers of Scotland Fee Review 2010 Consultation
Strategic Outcome	Wealthier & Fairer
Branch	Registers of Scotland
Name	Laura Petrie
Position	Finance Director
Sign off date	01 June 2010

Authorisation

Authorised By	Catriona Hardman
Deputy Keeper Legal and Corporate Services	
Date Authorised	04 June 2010



Strategic Environmental Assessment

Registers of Scotland Fee Review 2010 Consultation

Purpose: To make changes to the fees that Registers of Scotland (RoS) charge.

What prompted the consultation: The Keeper of the Registers of Scotland announced in the 2010-13 Corporate Plan that she intended biennially to conduct a review of both information and registration fees to ensure that the fees charged were within the basis of full cost recovery. The impact of the proposed fees will be regularly monitored over this period.

Subject: Fees charged by RoS.

Period covered: All comments received by the end of the consultation period will be considered by Scottish Ministers prior to their finalising a new Fee Amendment Order and laying it before the Scottish Parliament

Frequency of updates: There will be a biennial review of fees.

Area covered: Scotland.

Summary: The Keeper invites responses on the proposed changes to fees charged by RoS highlighted in the Consultation Paper. The proposed changes have been determined in relation to the Keeper's responsibility to apply the principle of full cost recovery.

Although the changes aim to increase RoS' revenues by 40%, it should be seen in the context of the previous reductions in RoS fees of 26% for registration and 45% for information fees. It should also be stressed that in the period up to the end of the current Corporate Plan in March 2013 the proposed fees would still see RoS generating a small loss. Going forward, along with the introduction of greater efficiencies, it will set in place the basis of full cost recovery for the services that RoS provides.

The main proposals of the review are as follows:

- An increase in most Registration Fees.
- The fee for Charges and miscellaneous deeds to increase from £30 to £60 for paper applications and from £20 to £50 for ARTL applications.
- Provision relating to the feeing of related applications submitted in a number of deeds to be deleted from the Fee Order.
- A fee of £30 to be introduced for applications rejected prior to being accepted for the Land Register.
- The fee for cancellation of an application to be set at the application fee but capped at £400.

- An additional charge of £400 introduced for constitutive deeds containing Real Burdens instead of a separate Deed of Conditions.
- No change to Chancery and Judicial Registers (CAJR) fees.
- No charge for nil returns on Registers Direct retained.
- Scottish House Prices remain free.
- Fees for Reports to rise in line with costs.
- The standard Registers Direct search fee will be £3 plus VAT.
- Provision will be made for a new Registers Direct service of providing copy Sasine deeds at the standard Registers Direct fee of £3 plus VAT.
- A charge will be introduced for RoS staff conducting searches via Registers Direct.
- An additional fee of £15 will be introduced for personal presentments of applications at our Customer Service Centres.
- A fee of £50 will be introduced for our pre-registration enquiries service.

LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT

1(a) the degree to which the review sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources

There will be no environmental effect of the review. It will not set a framework for any other project or activity.

1(b) the degree to which the review influences other plans, programmes or strategies including those in a hierarchy

There will be no environmental effect of the review. It will not influence other plans, programmes or strategies.

1(c) the relevance of the review for the integration of environmental considerations in particular with a view to promoting sustainable development

There will be no environmental effect of the review. It will not impact on the integration of environmental considerations.

1(d) environmental problems relevant to the review

There will be no environmental effect of the review.

1(e) the relevance of the review for the implementation of Community legislation on the environment

There will be no environmental effect of the review. It will not impact on Community legislation on the environment.

2 (a) the probability, duration, frequency and reversibility of the effects

A review of the fees charged by RoS will be conducted biennially.

2 (b) the cumulative nature of the effects

There will be no environmental effect of the review. It will not impact on any other area.

2 (c) transboundary nature of the effects (i.e. environmental effects on other EU Member States)

There will be no environmental effect of the review. It will only apply to Scotland.

2 (d) the risks to human health or the environment (for example, due to accidents)

There will be no environmental effect of the review. There will be no risk to human health or the environment as a result of the review.

2 (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)

There will be no environmental effect of the review. The proposed fees will apply equally throughout Scotland.

2 (f) the value and vulnerability of the area likely to be affected due to-

- (i) special natural characteristics or cultural heritage;**
- (ii) exceeded environmental quality standards or limit values; or**
- (iii) intensive land-use.**

There will be no environmental effect of the review.

2 (g) the effects on areas or landscapes which have a recognised national, Community or international protection status

There will be no environmental effect of the review.

SUMMARY OF ENVIRONMENTAL EFFECTS

The Registers of Scotland Fee Review 2010 Consultation will have no measurable environmental impact.

Laura Petrie
Finance Director
Registers of Scotland
04 June 2010

