

The Keeper, **Jim Meldrum**, reflects on the co-operation that has developed between Registers of Scotland and the Law Society of Scotland in the years since land registration came onto the agenda

Close relations

I am delighted to have this opportunity to add my congratulations to the Law Society of Scotland on its 60th anniversary.

One of the tasks that I perform as Keeper and consider especially important is chairing the Joint Consultative Committee of the Law Society of Scotland and Registers of Scotland – the JCC as it is affectionately known. The enthusiasm, commitment and knowledge of the participants has ensured that this committee has been, and continues to be, instrumental in the development of land registration policy and practice.

The positive and effective relationship between the Society and Registers of Scotland has evolved throughout the Society's existence. Latterly, this evolution has flowed from a recognition that in an era of land registration the practice of conveyancing and the registration of deeds are inextricably linked. There has also been a clear vision of the need for, and benefit from, close co-operation in delivering the maximum benefits from the system to those transacting with property.

Up until the mid-1970s though, until the arrival of the prospect of land registration, there was no formalised structured contact between Registers of Scotland and the Society. It was not that the two

organisations existed in splendid isolation; it was simply that there was not the need for regular meetings to focus on policy and procedure. The General Register of Sasines had been operating, in concept unchanged, since 1617 and solicitors were steeped in its ways, as one would expect.

All change

Land registration would change the conveyancing landscape radically, and both the Henry and Reid Committees that were tasked with considering the case for the introduction of land registration to Scotland, recognised the need for "a joint standing committee to ensure regular consultation between the Keeper of the new Register and the legal profession".

The Reid Committee envisaged that such a committee would be set up after the Land Registration Bill had been enacted to facilitate the development of the procedural rules and practices that would be necessary to support the new system of land registration. What happened though was that, in 1975 and some four years before the Land Registration (Scotland) Act 1979 received Royal Assent, the JCC was born. The view of the Keeper (David Williamson) and President (James Wheelans) of the day was that the JCC should commence prior to legislation being

enacted. And so it held its first meeting in January 1975, with the Society being represented by the President and by the convener and two members of the Conveyancing Committee. (The only significant change in representation is that the President of the Society no longer attends the JCC, that position now being filled by the secretary to the Conveyancing Committee.)

The JCC was therefore able to play a most useful role from the outset, offering advice during the various stages of the Land Registration (Scotland) Bill and in the preparation of the statutory instrument for the relevant rules and forms. Such foresight may also have been borne out of recognition of the amount of work that lay ahead to prepare the legal profession (and indeed the Registers) for the introduction of land registration.

Lasting legacy

The JCC has met twice a year for most of its existence (though I have increased that to three times a year over the past five years). During the preparation of the 1979 Act, though, it met monthly and between commencement of the Act and the launch of the Land Register in the County of Renfrew in 1981 it was meeting virtually on a weekly basis.

● Continued overleaf >

The General Register of Sasines had been operating, in concept unchanged, since 1617 and solicitors were steeped in its ways, as one would expect



in celebration of 60 years of the Law Society of Scotland, in association with





● Continued from page 26 >

We all owe a very substantial debt to the members of the Society who have served, and indeed continue to serve, on the JCC.

Over the years the JCC has provided invaluable advice on a range of issues affecting the practical operation of the Land Register (and in some cases the General Register of Sasines). It has ensured that decisions on what are often difficult matters of registration policy or practice are taken with the benefit of an examination of the impact on the legal profession and its clients. Equally, it has provided a forum in which the Law Society of Scotland is able to raise any concerns it may have; we have always appreciated the

support that we have received from members of the JCC.

The JCC is of course not the sole point of contact between my office and the Society. Rather it has opened the door to a much greater level of interaction and dialogue than has previously existed. Perhaps the best example of that has been the involvement of the Society in the development of ARTL. The recent manifestation of this close co-operation in the establishment of the Society's ARTL Implementation Committee, is seen as part of a template for other jurisdictions pursuing e-registration.

Now in its 34th year, the rationale for the JCC remains no less valid today than it was in 1975. Indeed the volume of legislation impacting upon

Over the years the JCC has provided invaluable advice on a range of issues affecting the practical operation of the Land Register (and in some cases the General Register of Sasines)

property and land law since the Scottish Parliament was established has reinforced the value of the JCC. The early 21st century has seen an unprecedented level of root and branch statutory reform of important aspects of land and property law. The feudal system has gone, we have a new statutory framework for the regulation of title conditions, and on the horizon we have the possibility of a new Land Registration Bill. Add into the mix the application of technology to the conveyancing and registration environment and it is plain that the need for a close and effective relationship between Registers of Scotland and the Law Society of Scotland is greater now than ever. The JCC will continue to be an invaluable part of this. **1**

The JCC: a solicitor's perspective

Registers of Scotland interviewed John McNeil CBE WS about the work of the Joint Consultative Committee

John McNeil has been a member of the Joint Consultative Committee (JCC) since 1977, not long after it had been established, and is the longest standing member. He had a break of three years during his time as an office bearer of the Law Society of Scotland, including his year as President in 1986-87. He is also a former convener of the Society's Conveyancing Committee – on which he has served since 1968.

John retired as senior partner of Morton Fraser WS LLP in Edinburgh in 2002, having been assumed as a partner in one of its constituent firms, Fraser Stodart & Ballingall in 1963. Though he specialised in property law he also branched out into other areas of practice, principally commercial



contracts and wills and estates.

Until recently, the Keeper of the Registers was generally legally qualified and had been appointed from within Registers of Scotland (RoS). John welcomes the decision to appoint in a Keeper from outside, emphasising that "it brought in a different perspective and RoS is now more customer focused and consumer friendly".

Nowadays, the JCC spends as much time on how to improve things, achieve targets more easily and ensure the fee structure represents value for money as it does on technical legal issues affecting transfer of title.

However its first big job was monitoring the passing of the Land Registration (Scotland) Act 1979, and its introduction into Scottish conveyancing

law. The committee, John recalls, was engaged in all aspects of the introduction of land registration.

Other matters he recollects coming before the JCC were the continuing issues for the public and the profession arising out of the Conveyancing and Feudal Reform (Scotland) Act 1970, the Prescription and Limitation (Scotland) Act 1973 and the Land Tenure Reform (Scotland) Act 1974; ARTL; and the recent swathe of land law reforms following devolution of lawmaking to the Scottish Parliament.

"The JCC has taken a significant interest in ARTL from the outset and has been heavily involved in the development of forms and so on", he assures us. "The committee is anxious to get ARTL extended to be dealing with more transfer of title transactions, as it is still mainly mortgages and remortgages going through the system." He acknowledges however that due to the nature of their work, solicitors can sometimes be less receptive to new technologies.

In terms of recurrent themes John notes that the major issue in recent times, addressed both by

the current and by the previous Keeper, is delay in the registration of titles, particularly transfers of part and first registrations. He adds that "there has been significant progress in tackling the backlog, especially in the last three years during which they have attracted a very specific focus and a dramatic improvement in cutting down the time taken to process these applications when they come in".

John believes that the JCC has been enormously useful in recent years. There is a close liaison between the Law Society of Scotland and RoS. Bruce Beveridge, the Deputy Keeper, sits on the Society's Council and Conveyancing Committee (which now meets bi-monthly) and reports regularly on developments within RoS.

Looking back at the changes within the JCC, John recalls that "it used to be quite a social occasion where drinks and lunch were served! Nowadays, it is efficiently run and much more business focused."

But John assures us that he still very much enjoys the Committee's work and keeping up to date with changes in the law.



in celebration of 60 years of the Law Society of Scotland, in association with

