

Introduction

1. Registers of Scotland (RoS) have conducted a review of the fees we charge for information from the Land Register, Sasine Register and Chancery and Judicial Registers. We undertook public consultation on the proposals arising from this review over the period 28th March 2008 to 23rd June 2008 and we are now reporting on the outcome of that consultation. (A copy of the consultation document, setting out the main changes proposed to the existing fee structure, is available on our website.)

The consultation exercise: consultation methods

2. In undertaking the review we sought the views of our customers on the current fee structure, including any perceived complexities, potential weaknesses and other relevant matters. To assist with this we formed an Information Fee Review Working Group comprising representatives from RoS, the Law Society of Scotland, Scottish Consumer Council, Council of Mortgage Lenders Scotland, Society of Scottish Searchers and Society of Local Authority Chief Executives and Senior Staff. Discussions within this Group informed the scope and options set out in the Consultation paper.

3. We then identified twenty-eight key stakeholders and stakeholder groupings who were sent electronic copies of the consultation paper and invited to submit responses on the views and options set out in the paper. In accordance with Scottish Government guidelines, the consultation letters were accompanied by a covering letter informing consultees on how their responses would be handled. We also put a copy of the consultation paper and respondent information form relating to the consultation exercise on our website to allow members of the public and other stakeholders the opportunity to comment on the proposals. During the course of the consultation there were 641 hits recorded on the consultation document on our website.

4. Existing stakeholder groups, such as the Joint Consultative Committee of the Law Society of Scotland and Registers of Scotland, were also utilised to bring stakeholders' attention to the consultation exercise.

Responses to the consultation exercise

5. The consultation exercise generated fourteen responses. The breakdown is as follows:

- one response indicated that the respondents had no comments to make;
- one response requested confidentiality of personal details;
- ten responses to Question A supported or accepted the guiding principles underpinning our information provision and one response considered them insufficient. One response welcomed the focus on customer needs whilst another

noted the cost constraints that may apply in providing information in all the formats that may be requested by customers.

- Responses to Question B on current and future delivery methods of our information services gave a wide range of views. Nine responses were generally supportive of our existing methods of delivery and looked forward to development of e-services to include services such as copy deeds by email, application tracking and electronic Land and Charge Certificates. One response encouraged us to undertake market research into the experiences and views of current and potential customers. Three responses were not satisfied with current delivery methods and sought further electronic services; of these, two responses sought the extension of the Registers Direct service to the public on a pay per view basis whilst the third response sought an enhanced service to property professionals but opposed the availability of Registers Direct to the public on the grounds this could facilitate identity theft.

- Two responses to Question C on the likely demand for citizens' portal access to our services considered such demand to be low or non-existent and a further two responses considered it difficult to anticipate. Eight responses considered that there would be some demand with a number of these expecting most demand being restricted to house price information. One response considered that on principle the public should have access by such a method whereas two responses stated that the structure of the Registers, particularly the Register of Sasines, together with associated searching difficulties, meant that such access would be of limited use to the citizen.

- Question D sought views on three options for funding our information provision services and asked if there were any other options. Responses to the options set out in the paper covered a wide range of views although the generally downward trend of our proposed information fees was welcomed.

The following summary of responses is set out in the same order as the options in the consultation paper:

(i) Registers Direct free to business customers.

There was considerable opposition to this option from some business customer responses as well as from citizen responses on the grounds of the unfairness of any cross subsidy from registration fees to information customers. One response did consider that the benefits of free access to information would outweigh any higher registration fee but other responses opposed this.

One response noted that this option would be supportive of the move to a dematerialised property transaction environment.

One response stated a preference to a move to a licensing system.

One response noted that an annual fee as proposed in annex B would reduce the service element of costs but emphasised the importance of where band levels of usage would be set.

One response liked this option but emphasised that it should only for use by property professionals due to identity theft and data abuse issues.

One response considered that RoS should investigate other models, such as sale of added value data sets, to finance free data and address the issues raised by government and European Union documents such as the INSPIRE Directive and the Office of Fair trading Report on the Commercial Usage of Public Information Report.

(ii) information on their own property free to proprietors (and their agents) and charge for all other information provision.

Responses generally saw this as fairer than option (i) but there was again concern that there may be an adverse effect on registration fees. One response considered this option worthwhile even if a longer leading time is required for citizen digital signatures to allow its operation.

One response suggested we not only explore this further but also explore non-commercial licensing.

One response approved of the option subject to verification of proprietors' identity. Another noted the difficulties potentially faced by statutory bodies due to name changes but otherwise considered the option fair and attractive.

(iii) levy a charge on all customers for the information provided

This is the current method and was largely considered unexceptionable and equitable.

One response considered that this would be unfair to proprietors transacting with their own titles and drew a distinction between such customers and those seeking information unrelated to a registration transaction.

One response stated that discounts to large customers would be illegal and would breach our guiding principles.

One response stated that this option suits current needs.

- Question E sought views on the options in the paper on how charges should be levied and whether there were any other options.

Seven responses considered that all four options should be offered in order that each customer may choose the most convenient/best value option for themselves. Business customers generally favoured the introduction of a licensing system with one response noting that option (i) of annex B would increase their own administrative costs rather

than reducing these. One response suggested that we undertake research with current and potential users to establish which approach best meets their needs.

Several responses welcomed the intention that the overall cost of information fees is expected to be reduced.

One response noted that the respondent was happy that the service elements of information continue to be on a cost recovery basis.

One response welcomed the proposed removal of a charge for a nil result on Registers Direct and the reduction of other fees. This response noted our move to electronic document storage and (a) the efficiencies in procedures and costs this will allow and (b) the potential for the supply of electronic copy deeds avoiding the cost of consumables. The same response noted that certain copy deeds supplied by us also attracted the National Archives fee and sought an end to this.

One response asked for the option of paying for information services by Direct Debit as currently offered for registration fees.

6. Copies of all fourteen responses have been placed on the RoS website <http://www.ros.gov.uk/consultations/informationfeesconsultation08.html> and are also available from the Scottish Government Library.

RoS view of consultation responses

7. RoS is grateful to those who responded and considers that the responses provide a good indication of the views of those with an interest in our proposals, coming as they do from the Law Society of Scotland, the Council of Mortgage Lenders, the Scottish Consumer Council, the Society of Scottish Searchers, several local authorities, Scottish Water and individual citizens. Together, these responses cover a significant RoS customer representative grouping for those parts of our service affected by the changes to the fee structure. We are committed to reviewing our fees every two years and this timeframe is useful as the debate regarding cost and usage of public information continues to develop and government policy may change. Overall, responses to the consultation confirm that our stakeholders consider fees should continue to be charged on the basis of cost recovery which is also in line with current government policy. We will consider further the options on how charges are levied on as responses confirmed that a range of payment options should be available to customers.

Next steps

8. The fee changes require certain statutory procedures to be followed. We will now be putting these in hand and we expect that the Scottish Ministers will make a new Fee Order based on the fees consulted upon.