



With the progress of Land Registration throughout Scotland, there is an increasing necessity to employ deed plans for transfers of new properties or indeed to further clarify previous verbal descriptions which are either too vague or ambiguous to be relied upon.

Amendments to the application form for First Registration (Form 1) oblige both the selling and purchasing solicitor to ensure that the property sought to be registered can be both accurately identified on the Ordnance Survey map, and that the legal title agrees with the present situation on the ground. Consequently, these additional requirements mean that in some cases new deed plans will need to be prepared.

Preparation of deeds for conveyancing

The following principles seek to provide advice and preferred criteria for the preparation of new deed plans as agreed with the Royal Institution of Chartered Surveyors (RICS). It should be noted that any newly prepared plan which does not adhere to these guidelines may not be accepted in the Land Register.

As far as writs for recording in the Sasine Register are concerned the guidelines are not mandatory but are nonetheless strongly recommended. Conveyancers should be aware that a deficiency in a plan annexed to a writ presented for recording in the Sasine Register may have adverse consequences later, when the relevant property is transferred to the Land Register.

Preferred Criteria

- A scale and magnetic North must be shown. A drawn or bar scale is preferred, because it allows distortion from any subsequent photocopying to be identified.
- We produce Title Plans using 1:1250, 1:2500, and 1:10,000 base scale Ordnance Survey mapping for properties falling in urban, rural and mountain/moorland areas respectively. Deed plans drawn for properties in these areas should be adequate for the corresponding scale - see below.
- If the scale of the most suitable map is insufficient to reflect the necessary detail an inset plan at a larger scale may be used. Situations will invariably arise when even the 1:1250 scale map cannot provide enough detail, plans at 1:500 are therefore the preferred option.
- Scales based on the imperial system (e.g. 1 inch to 8 feet) are no longer acceptable.
- The plan must not be stated to be demonstrative only and not taxative.
- The plan must contain sufficient surrounding established detail (eg. fences, houses, road junctions etc.) to enable its position to be fixed with accuracy.
- Where it is necessary for any measurement to be shown on the plan, metric units must be to one decimal place.
- Where measurements are deemed necessary, then the dimensions shown on the plan ought to agree, as far as possible, to the scaled measurements.

Preferred Criteria (continued)

- A plan employing dimensions which are simply a perimeter measure are incapable of being accurately plotted or proven. Dimensioned plans must therefore include proof measurements which may consist of:
 - cross/diagonals
 - angles at each change of boundary direction, or
 - local or National Grid co-ordinates of boundary changes supported by tape checks along each boundary, or
 - any other form of independent check which is capable of proofing the survey.
- The property forming the transaction must be clearly indicated by means of suitable graphic references (e.g. edging, tinting, hatching).
- Exclusive and shared areas must be properly differentiated and referenced as above and consistent with the text of the deed.
- Undefined boundaries (ie. where no physical boundary exists) must be accurately fixed to existing detail by metric measurements shown on the plan.
- Where buildings, pathways, etc., require to be referenced on the plan to reflect shared or common interests they must be shown in the correct position relative to other surrounding detail.
- Boundaries should be identified by description (e.g. centre line of wall, outer face or inner face of hedge, etc.).
- Details of how, by whom, and when the survey was completed. Information as to the currency of the survey detail and whether or not it relates to the as built positions or merely the proposed layout should also be noted.
- Extracts from proposed development plans must not be employed if the property involved physically exists.
- With the increased use of hand held GPS, the absolute accuracy of features is now far simpler to derive. It is recognised that it may not always be possible to reconcile these features with the underlying Ordnance Survey data. In such situations, where the relative accuracy of features exist, a local fit may be the best way to proceed. However, if the discrepancy is deemed too great, a deed plan should be prepared showing the surveyed detail against the existing OS map.

Further information:

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