

Consultation Report: Draft Fees in the Registers of Scotland (Amendment) Order 2005

Introduction

Registers of Scotland (RoS) has conducted a quinquennial review of the fees charged for the provision of information from the registers, and associated services. The current regime of fees and charges is set out in Part I 2 (Reports) and Part XII (Fees applicable to all registers) of the Schedule to the Fees in the Registers of Scotland Order 1995, as amended by the Fees in the Registers of Scotland (Amendment) Order 1999. Scottish Ministers agreed that a consultation exercise with stakeholders be carried out on the changes that are proposed to the current fees. The consultation period ran from 18 July through to 12 September 2005.

The table annexed to this report sets out the changes to the existing fees that were consulted upon. The table is split into three sections:

Section A sets out the fees chargeable in respect of inspections of the register;

Section B sets out the fees for reports on the state of the register;

Section C sets out miscellaneous fees such as those for providing various copies or archive deeds.

The consultation exercise: consultation methods

RoS was able to identify all relevant and appropriate stakeholders. Those bodies were written to on an individual basis, informed of the consultation exercise, the proposed charges and the methodology used to calculate them and invited to submit responses.

The consultation letters were accompanied by the required Scottish Executive covering letter informing consultees on how their responses would be handled.

The Internet was also used to communicate the consultation exercise. A consultation web page was created on the RoS web-site. The web page contained the consultation standard letter and further background information relating to the consultation exercise.

Existing stakeholder *fora*, 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

The consultation exercise generated four responses. One respondent requested that its response be confidential. Copies of the other three responses, from the Council of Mortgage Lenders, the Lord President's Office and Homes for Scotland, have been placed on the RoS web-site (www.ros.gov.uk) and also passed to the Scottish Executive library.

The four responses broke down as follows:

- ◆ One nil response.
- ◆ One response fully endorsed all the proposed new charges.
- ◆ One response limited its comments to the proposed charges set out in Sections A and C of the annexed table. That response welcomed the reduction in Section A fees and supported the proposed change to the basis on which fees in Section C will be charged.
- ◆ One response welcomed the reduction in Section A fees, noted the proposed fees in Sections B and C and accepted the proposal for a fixed fee for copy deeds.

No respondent raised any objection to introduction of the proposed charges. The Council of Mortgage Lenders and Homes for Scotland did offer some additional comments, which we welcome. Those comments were general in nature and not germane to the specific fees proposed.

RoS view of consultation response

We welcome the responses that have been submitted. We note that the three respondents who expressed views and support for some or all of the proposals come from different stakeholder groups reflecting differing customer interests. It is noted that the Council of Mortgage Lenders is the representative trade body for mortgage lenders and has 144 members. Those members comprise a significant RoS customer grouping for those products for which the fees in section A of the annexed table relate, and we are grateful that their views have been expressed through the response by the CML.

The responses endorse the proposed changes to current fees. We consider the small number of responses to be a reflection of the non-contentious nature of the proposed changes to the current feeing structure.

Next steps

As no objections have been raised to the proposed new charges nor have we been asked to consider alternative methods of charging or to consider new information we propose that RoS proceeds to obtain a Fee Amendment Order based on the fees consulted upon.

Annex-Part 1

ALTERATIONS TO FEES FOR INFORMATION PROVISION, REPORTS AND REGISTERS DIRECT CHARGES

SECTION A:		Current Charge	Proposed Charge
Inspection of the Registers			
Sasine Presentment Book		£2.00	£1.65
Sasine Minute Book		£2.00	£1.65
Sasine Search Sheet		£2.00	£1.65
LR application record		£4.00	£3.30
LR Map Navigation		£2.00	£1.65
LR title Sheet Record		£4.00	£3.30
Deeds Searches		£2.00	£1.65
Judgments Defender Searches		£2.00	£1.65
ROI Searches		£3.50	£1.65
House Prices		£4.00	£3.30
SECTION B:		Current Charge	Proposed Charge
Reports			
Form 10	Report prior to registration	£22.70	£27.00
Form 11	Continuation of report prior to registration	£13.60	£15.00
Form 12	Report over registered subjects	£22.70	£27.00
Form 13	Continuation of report over registered subjects	£13.60	£15.00
Form 14	Report to ascertain whether subjects registered	£22.70	£27.00
P16	Comparison of bounding description with Ordnance Map	£22.70	£27.00
P17	Comparison of Certificate Plan with Ordnance Map	£22.70	£27.00
Form 10/P16	Combined Form 10 and P16	£34.00	£40.00
Form 12/P17	Combined Form 12 and P17	£34.00	£40.00
SECTION C:		Current Charge	Proposed Charge
Miscellaneous Services		or Average Charge	
Provision of a plain or duplicate copy		£11.67	£16.50
Provision of a certified copy or official extract		£15.67	£20.70
Provision of Office Copy Land Certificate		£21.06	£25.00
Provision of Sasine Deed (Plus NAS handling Charge)		£6.00	£9.00
For the handling of second copies requested at the same time as the first		£6.00	£6.00
Provision of Land Register Archive Information		n/a	£14.20
Provision of ROI in bulk (per day)		£96.00	£21.00

