

**REGISTERS OF SCOTLAND  
INFORMATION  
FEE REVIEW 2008**

**OPTIONS CONSULTATION PAPER**



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## Background

1. Registers of Scotland (RoS) is the non-Ministerial Government Department responsible for registering a variety of legal documents in Scotland. 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 the Keeper of the Registers of Scotland, who is responsible for compiling and maintaining a number of public registers. Our work is dominated by the two main registers that relate to rights in land: 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. Indeed, making information on the registers publicly available has been a feature of the registration process in Scotland for centuries.

3. The provision of information is a growing, and very important, part of our work and we are committed to providing information in ways that meet our customers' needs and provide value for money. To achieve this we undertake regular reviews of our information services and the prices that we charge. Details of our current information offering and charges are at Annex A.

## The current review

4. We announced in our 2007-12 Corporate Plan that we planned to review our information fees. In November 2007 we established an Information Fee Review Working Group to support us in this process. The Working Group is made up of a number of internal

and, for the first time, external stakeholders, including representatives from the Council of Mortgage Lenders, the Law Society of Scotland, the Scottish Consumer Council, the Society of Local Authority Chief Executives and Senior Managers and the Society of Scottish Searchers. The scope of the review on which the Working Group is advising includes considering the strategic principles and policies for setting fees and considering these in relation to the future cost of information provision and related services.

5. In undertaking this review, we have been mindful of emerging issues in the field of the provision of government information, in particular the INSPIRE Directive and Office of Fair Trading reports.

## Guiding principles

6. RoS is accredited under the Office of Public Sector Information's Information Fair Trader Scheme and we follow its principles of openness, transparency and fairness. In addition, in considering our provision of information services, we have identified three further principles that we believe should guide what we do. These are:

- (i) provide information that meets our customers' needs in ways and media that best suit them;
- (ii) ensure that we provide value for money and that any charging structures are simple and transparent with payment methods meeting customers' needs; and
- (iii) ensure that we fulfil statutory requirements and take account of government guidance.



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## Consultation Question A:

### What are your views on these guiding principles?

#### Information provision

7. We currently provide information to our customers in a range of ways, including:
  - o on-line through our website and our web-based Registers Direct service;
  - o at our Customer Service Centres in Edinburgh and Glasgow;
  - o via e-mail, telephone and postal enquiries; and
  - o contractual arrangements for providing tailored and bulk data services.
8. We are keen to raise awareness of our current services and to develop the services we offer directly to citizens. At present, citizen access is through our customer service centres where our staff can assist as necessary (without straying into the realm of giving legal advice). In the past we have considered developing our Registers Direct service to offer electronic access to our information but the complexities of supporting private users have meant this has not come to fruition. Support beyond the level offered to professional customers would appear to be required if individuals were to use the Registers Direct service in any meaningful way because the land and property information held by RoS is largely expressed in technical language taken from conveyancing deeds to reflect the legal rights, effects, obligations and limitations of individual titles. Much of the terminology used is unfamiliar to non-legally trained users. We are unclear whether demand exists

for general citizen access to our information or whether such demand as exists may be more generally oriented to house price information than to the technicalities of title provisions. We are open to exploring this area further and we plan to undertake some survey work to help gauge interest in information held by RoS.

## Consultation Question B:

### What are your views on our current delivery methods and on whether there is any demand for other ways of delivering our information services?

## Consultation Question C:

### What are your views on the likely demand for citizens' portal access to our information services?

#### Options for charging

9. The setting of fees is a policy matter for the Scottish Ministers and this consultation is being undertaken on their behalf and with their authority. There is a range of options available for how they might require RoS to fund the information provision it undertakes. The following have been identified as the three main options:

- (i) *Provide our web-based Registers Direct service free to business customers:*

RoS could provide the information we hold on Registers Direct free of charge to business customers. The logic for providing free access is to support the move over to a "dematerialised" environment where paper Land Certificates are no longer available in all cases. The information would be accessible under existing licence terms. This would be a new approach for RoS as we have until now worked on the basis of



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funding our information services on a cost-recovery basis from their own, separate income stream. While our web-based information service would be free at the point of delivery, the cost of maintaining and creating the information would have to be funded through the fees we charge for registration and other work. We would continue to charge on a cost recovery basis for service elements of our information provision, for example in respect of our Reports service, paper Land Certificates and requests for bulk or tailored data.

(ii) *Provide information free at the point of delivery to property owners (or their agents) for enquiries about their own property and charge for all other information provision:*

RoS could provide information free of charge to property owners (or their agents) in respect of information requests relating to their own property. All other requests for information would incur a charge. The principle behind this would be that the Keeper maintains the currency of the registers and that the one-off registration fee entitles the owner to ongoing access to their property information. This may be particularly attractive to owners as we move away from the production of paper copies of register entries into a “dematerialised” world of electronic certificates and copies. (This option would have a much longer lead time than the others as it might have to await the introduction of digital signatures for property owners.) As in Option (i) we would continue to charge for service elements of information provision on a cost recovery basis.

(iii) *Levy a charge on all customers for the information provided:*

Private citizens and organisations would continue to be charged for the information and information

services they received, including Registers Direct. The guiding principle would - as now - be that, overall, all fees and charges would be set on a cost recovery basis. (Charges would continue to cover staff, IT, ancillary costs etc.) Registers Direct would continue as a business to business service with no direct public access with fees being charged on a “pay as you view” basis.

As part of this option, we would explore whether there is a reduction in the cost to RoS of administering larger Registers Direct accounts. This cost saving could be passed onto those account holders on an equitable basis. (Annex B explores this in more detail.)

## **Consultation Question D:**

**What are your views on the options for how we might fund our information provision services and are there any other options?**

10. If RoS is to charge for information then there are also options to be considered as to how the charges would be levied. There would appear to be four ways in which we could charge:

- (i) charge a fee for each individual piece of information provided (the current arrangement);
- (ii) levy a cost recovery charge for one off or regular bulk data provision/frequent usage;
- (iii) operate a pre-payment scheme analogous to mobile phone pay-as-you-go charging; and
- (iv) introduce a licence fee system for regular users (see Annex B as to how this might work).

It would be possible for all four options to be in use at the same time, with customers having the choice as to



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which option offered them most convenience and best value for money.

## **Consultation Question E:**

### **What are your views on these options for charging and are there any other options you would like to see included?**

11. If we continue to charge for our Registers Direct and other services we will seek to rationalise and simplify our charging structure within the context of aiming to recover our costs. We do not anticipate that this will lead to an overall increase in charges as we aim to share our efficiency gains with our customers. A table setting out what new charges would be likely to be applied is at Annex C. The figures have been assessed in the same way that we assessed our current charges during the last information fee review. Over the piece, they would represent a reduction in fee income to RoS, reflecting efficiencies in information provision secured since that review. The figures are presented for illustrative purposes only and in no way pre-empt the outcome of this consultation. Any changes that are introduced will require to be brought in by way of a revised Fee Order.

## **Legislation**

12. The options set out in this paper are predicated on RoS and Scottish Ministers being able to make changes administratively or through secondary legislation. Any changes that would require primary legislation are unlikely to be taken forward in advance of any Bill arising from the Scottish Law Commission's current review of Land Registration legislation.

## **Conclusion**

13. This paper has set out and invited views

on: the principles that might guide our provision of information; our delivery options; how we might fund the provision of our information services; options for how we might levy charges; and how we might operate a licensing system. It also invites views on the likely demand for citizens' portal access to our information services. We look to you to consider these issues and to offer us your views and advice.

## **The consultation process**

14. The Keeper of the Registers of Scotland is a statutory office holder in the Scottish Administration. This consultation is being conducted in line with the Good Practice Guidance issued by the Scottish Government. 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 prior to finalising a new Fee Amendment Order. Attached for information is a primary distribution list of firms and organisations who are being sent this consultation paper. We would be grateful if you could advise us of any other organisations whom you consider should be consulted.

## **Responding to this consultation paper**

15. We are inviting written responses to this consultation paper by 23 June 2008 at the latest, although earlier responses would be helpful. Please send your response, along with your Respondee Information Form (copy attached) to [consultation@ros.gov.uk](mailto:consultation@ros.gov.uk) or

Grant Hall  
Business Planning Manager (Fees Consultation)  
Registers of Scotland  
Meadowbank House



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153 London Road  
Edinburgh, EH8 7AU

16. We need to know how you wish your response to be handled and, in particular, whether you agree to your response being made public. Please complete and return the Respondee Information Form, which is attached to this paper, as this will ensure that we treat your response appropriately. If you indicate that you do not wish all or part of your response to be published, its confidentiality will be respected.

17. All respondents should be aware that Registers of Scotland is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under that Act for information relating to responses made to this consultation exercise.

## **Access to consultation responses**

18. We will make all responses available to the public in the Scottish Government library by 18 July 2008 and on the Registers of Scotland website by the same date unless confidentiality is requested. All responses not marked confidential will be checked for any potentially defamatory material before being logged in the library or placed on the website.

19. If you have any comments about how this consultation has been conducted, or if you have any other queries, please contact Grant Hall (grant.hall@ros.gov.uk). We very much hope you take the opportunity to respond to this consultation.

REGISTERS of SCOTLAND  
March 2008



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## PRIMARY DISTRIBUTION LIST

1. Convention of Scottish Local Authorities (COSLA)
2. Council of Mortgage Lenders
3. First Scottish Searching Limited
4. Homes for Scotland
5. Joint Consultative Committee of the Keeper of the Registers of Scotland and the Law Society of Scotland
6. Law Society of Scotland
7. Lord President of the Court of Session
8. Millar & Bryce Limited
9. National Association of Estate Agents
10. Oswalds
11. Ross Lornie & Company Limited
12. Royal Institute of Chartered Surveyors
13. Scottish Consumer Council
14. Scottish Courts Service
15. Scottish Law Agents' Society
16. Society of Scottish Searchers
17. SPH (Scotland) Limited
18. TMG Search Limited
19. WS Society
20. Society of Local Authority Chief Executives and Senior Managers (SOLACE)
21. The Royal Incorporation of Architects in Scotland
22. Institute of Chartered Accountants of Scotland
23. Faculty of Advocates
24. Society of Local Authority Lawyers and Administrators in Scotland (SOLAR)
25. All Scottish local authorities
26. All Scottish police forces
27. Scottish Crime and Drugs Enforcement Agency
28. HM Revenue and Customs



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## RESPONDEE INFORMATION FORM

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

Name:

Postal Address:

Consultation title: Registers of Scotland Information Fee Review 2008

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

### 2c. ON BEHALF OF GROUPS OR INDIVIDUALS:

Your name and address as respondents 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 also?

- |     |                          |
|-----|--------------------------|
| 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 future, but will require your permission to do so. Are you content for the Scottish Government to contact you again in the future for consultation or research purposes?

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



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## REGISTERS OF SCOTLAND : CURRENT INFORMATION FEES (March 2008)

ANNEX A

### Sasine Register

Search in the presentment book	£1.65
Search in the minute book	£1.65
Each search sheet viewed	£1.65
Searching persons or places index	Nil

### Land Register

Search in the Application Record	£3.30
Search for a title sheet	£3.30
Per view of a title sheet	£3.30
Per index map search	£1.65
Per Property Price Search	£3.30

### Chancery and Judicial Registers

Register of Deeds or Judgements	£1.65
6 names searched in the ROI	£1.65
Specified minute in the ROI	£1.00
Paper copy of ROI daily minutes	£21.00

### Fees for the Land Register Reports

Form 10 Report	£27.00
Form 11 Report	£15.00
Form 12 Report	£27.00
Form 13 Report	£15.00
Form 14 Report	£27.00
Form P16 Report	£27.00
Form P17 Report	£27.00
Form 10 and P16 Combination	£40.00
Form 12 and P17 Combination	£40.00

### Miscellaneous Services

Provision of a plain or duplicate copy deed*	£16.50
Provision of a certified copy or official extract of deed*	£20.70
Provision of Office Copy*	£25.00
Provision of Sasine Deed (Plus National Archives handling charge)	£9.00
For the handling of second copies requested at the same time as the first	£6.00
Provision of land Register Archive Information per deed	£14.20
Provision of a copy of minutes of Register of Inhibitions (per day)	£21.00

\* Note: these fees are fixed and charged irrespective of the length of the deed requested.

### Miscellaneous Services

For any Service not listed above the fee will be the full value of the work and materials involved.

All the above fees attract VAT



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## LICENSING OPTIONS

## ANNEX B

If RoS was to introduce a licence fee system for regular users then this would have a number of options, as follows:

- (i) budget account model - the licence fee would be set by the number of searches expected to be undertaken by the licensee over a set period (for example per quarter, six monthly or annually) multiplied by the Registers Direct fees. The licensee would pay the fee in instalments at agreed intervals and would receive a statement of account at least annually when RoS would refund overpayments or invoice underpayments as calculated by the actual number of searches carried out by the licensee. As the licensee is billed the standard fee for each search the license amounts to a financial arrangement and should be legally unexceptionable; or
- (ii) commercial licence model – the licensee would pay a fee in instalments at agreed intervals. The licence fee would be set in tiers based on the number of searches over a set period (for example annually) multiplied by a Registers Direct unit, which could be fee differentiated by volume. The size of each tier and the matter of the discount rates would need further development. An example could be as follows:
  - o first 100,000 RD searches charged at standard unit search fee
  - o next 100,000 RD searches charged at standard unit search fee less discount of X%
  - o next 100,000 RD searches charged at standard unit search fee less discount of Y% and so on.

The latter option would have clear benefits for high volume users as it provides them with economies of scale and would have benefits for RoS in reduced administrative costs.

<sup>1</sup>This could be set at another number, for example 50,000.



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## POTENTIAL NEW CHARGING STRUCTURE FOR INFORMATION FEES

## ANNEX C

Fee Type	Current Fee (exc. VAT)	Potential Fee <sup>a</sup> (exc. VAT)	Fee Reduction/Increase
<b>Land Register Copy Deeds:</b>			
From pending applications	£16.50	£23.50	+£7.00
From Archive	£16.50	£13.00	-£3.50
<b>Sasine Copy Deeds:</b>	£9.00 <sup>b</sup>	£5.00 <sup>b</sup>	-£4.00
<b>CAJR Deeds:</b>	£10.50 <sup>b</sup>	£5.00 <sup>b</sup>	-£5.50
<b>Office Copies:</b>	£25.00	£21.00	-£4.00
<b>LR Certified Copies:</b>	£20.70	£26.00	+£5.30
<b>Sasine/CAJR Extracts:</b>	£20.70	£11.00 <sup>d</sup>	-£9.70
<b>Information from LR Archive:</b>	£14.20	£8.25	-£5.95
<b>Registers Direct (RD):</b>	£1.65/£3.30	£1.80 <sup>c</sup>	+£0.15/-£1.50
<b>Copy of ROI Minutes (per day):</b>	£21.00	£19.50	-£1.50
<b>Property Price Search:</b>	£3.30 (through RD)	NIL (through dedicated property price service)	-£3.30
<b>Reports:</b>			
Form 10	£27.00	£28.50	+£1.50
Form 11	£15.00	£16.50	+£1.50
Form 12	£27.00	£28.50	+£1.50
Form 13	£15.00	£16.50	+£1.50
Form 14	£27.00	£28.50	+£1.50
P16	£27.00	£28.50	+£1.50
Form 17	£27.00	£28.50	+£1.50
Form 10/P16	£40.00	£41.00	+£1.00

- a Potential fees have been calculated on a cost recovery basis, reflecting changes in staff and IT costs and general overheads.
- b Plus National Archives of Scotland handling charge.
- c Nil returns will not attract a charge under the proposed potential fee structure.
- d Exceptionally, the first Preservation or Preservation and Execution Extract ordered at the time of recording of a Sasine deed does not attract VAT.