

Information Fee Review 2008

Consultation Analysis, Future Policy
and Decisions On New Fee Levels

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Background

- 1.** Registers of Scotland's (RoS) purpose is to record and safeguard your rights. We are 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 over 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. Scottish Ministers are responsible for setting the fees that we charge for our provision of information. To assist them with this we undertake regular reviews of our information services and the prices that we charge. On behalf of Scottish Ministers, we published a public consultation paper on our latest review in March 2008. The consultation paper was informed by the work of our Information Fee Review Working Group, which comprised representatives of five of our main stakeholders (the Scottish Consumer Council, the Council of Mortgage Lenders Scotland, the Law Society of Scotland, the Society of Local Authority Chief Executives and Senior Staff and the Society of Scottish Searchers) as well as staff from the relevant RoS Directorates. This paper: reports on that consultation; sets out how RoS intends to take forward the issues raised in the consultation paper; and sets out the level of fees that Scottish Ministers intend to bring forward in a new Fee Order.

Analysis of the public consultation

- 4.** We identified seventy-seven key stakeholders 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 paper was accompanied by a covering letter informing consultees on how their responses would be handled. We also put a copy of the consultation paper and response 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.
- 5.** The consultation exercise generated fourteen responses and of these one response indicated that the respondents had no comments to make and one respondent requested confidentiality of personal details. A detailed analysis of responses has already been published on our website.

Future policy: guiding principles

- 6.** In our consultation paper we asked for views on the principles that should guide us in our work on information provision. Respondents were generally supportive of the principles that we had identified and we will be adopting the following with immediate effect:

“In providing information services, RoS will:

- > act with openness, transparency and fairness in accordance with our accreditation under the Office of Public Sector Information’s Information Fair Trader Scheme;
- > provide information that meets our customers’ needs in ways and media that best suit them;
- > ensure that we provide value for money and that our charging structures are simple and transparent with payment methods meeting customers’ needs; and
- > ensure that we fulfil statutory requirements and take account of government guidance.”



Future policy: information provision delivery methods

- 7.** As explained in the consultation paper, we currently provide information to our customers in a range of ways, including:
 - > on-line through our website and our web-based Registers Direct service;
 - > at our Customer Service Centres in Edinburgh and Glasgow;
 - > via e-mail, telephone, fax and postal enquiries; and
 - > contractual arrangements for providing tailored and bulk data services.

- 8.** We asked for views on likely demand for other ways of delivering our information services. Those responding said they were generally supportive of our existing methods of delivery and looked forward to further 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. Two responses sought the extension of the Registers Direct service to the public on a pay per view basis whilst another sought an enhanced service to property professionals but opposed the availability of Registers Direct to the public on the grounds that this could facilitate identity theft.

- 9.** We will continue to deliver information to our customers using all of these methods and will also explore the options for using emerging technology.

- 10.** We also asked about the likely interest in citizens' portal access to our information services. Most respondents said that there would be some demand with a number expecting most demand to be restricted to house price information. Other respondents considered demand would be low or difficult to anticipate. 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 General Register of Sasines, together with associated searching difficulties, meant that such access would be of limited use to the citizen. We will commission further research on how best to proceed.

Future policy: fees

- 11.** As explained in our consultation paper, the setting of fees is a policy matter for Scottish Ministers and there is a range of options available for how they might require RoS to fund the information provision we undertake. The following were identified in the consultation paper as the three main options:

 - (i) provide our web-based Registers Direct service free to business customers;
 - (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; and
 - (iii) levy a charge on all customers for the information provided.
- 12.** The view of respondents, including some business respondents, was that option (i) was unfair due to 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.
- 13.** Respondents generally saw option (ii) as fairer than option (i) but there was again concern that there could be an adverse effect on registration fees. One response considered this option worthwhile even if a longer lead-in time was required for citizen digital signatures to allow its operation.
- 14.** Respondents saw option (iii), the current method, as both unexceptionable and equitable and generally welcomed the intention that the overall cost of information fees is expected to be reduced.
- 15.** Following the public consultation we discussed the tenor of responses with our Information Fee Review Working Group. The Group agreed that option (iii) should be continued. They also offered advice that we should set a single unified fee for each of the two classes of copy deeds supplied by us: Official Copies (CAJR and Sasine Extracts, Land Register Office Copies and Certified Copies) and Quick Copies (Land Register deeds from archive and from pending applications, Sasine deeds, CAJR deeds). The Working Group also questioned whether the National Archives of Scotland (NAS) handling fee should be charged for certain items, given that the customer is not interested in where or how the information they require is stored. We currently have an agreement with NAS that we will levy this charge. This is something that we will look at again at the next information fee review (expected to take place in 2010).



- 16.** Having taken all these views into consideration, Scottish Ministers will be bringing forward a Fee Order that will levy charges on all customers for information provision as per the table set out at Annex A. The fees proposed are set on a cost recovery basis and also aim to clarify and simplify fees for our customers. As at present, the Fee Order will take account of the Keeper's vires and the issues around competition. In recognition that it is not possible to predict the range of information services that Registers of Scotland will be asked for or will be able to provide, it will also continue to make provision for miscellaneous fees to be charged on a cost recovery basis.

Future policy: charging arrangements

- 17.** Our consultation paper considered the methods available for collecting any fees that were to be levied. Four options were set out:
- (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.
- 18.** The consultation paper recognised that the four options were not mutually exclusive and that a way forward would be to give our customers the choice as to which option offered them most convenience and best value for money. Half of respondents said 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 a budget account option would increase their own administrative costs rather than reducing these. One respondent asked for the option of paying for information services by Direct Debit, as currently offered for registration fees, and one suggested that we undertake research with current and potential users to establish which approach best meets their needs.

19. We recognise that providing all four options is the best way to proceed and we will now be taking forward the work necessary to this end.

Timescale

20. We will be seeking to introduce our new fee levels and charging arrangements as soon as possible and will be working with colleagues in the Scottish Government to bring forward a new Fee Order for consideration in the Scottish Parliament. We anticipate the new fees coming in to force in the first quarter of 2009.

REGISTERS OF SCOTLAND

September 2008



Potential New Charging Structure for Information Fees

Fee Type	Current Fee (exc. VAT)	Fee ^a consulted upon (exc. VAT)	Proposed Fee
Quick Copies			
From pending Land Register applications	£16.50	£23.50	£8.00
From Land Register archive	£16.50	£13.00	£8.00
Sasine Deeds:	£9.00 ^b	£5.00 ^b	£8.00
CAJR Deeds:	£10.50 ^b	£5.00 ^b	£8.00
Official Copies			
Office Copies	£25.00	£21.00	£15.00
Land Register Certified Copies	£20.70	£26.00	£15.00
Sasine/CAJR Extracts:	£20.70	£14.20 ^b /£5.00	£15.00
Information from Land Register Archive			
	£14.20	£8.25	£8.25
Registers Direct^c			
	£1.65-£3.30	£1.80	£1.80
Copy of ROI Minutes (per day)			
	£21.00	£19.50	£19.50
Reports:			
Form 10	£27.00	£28.50	£28.50
Form 11	£15.00	£16.50	£16.50
Form 12	£27.00	£28.50	£28.50
Form 13	£15.00	£16.50	£16.50
Form 14	£27.00	£28.50	£28.50
P16	£27.00	£28.50	£28.50
Form 17	£27.00	£28.50	£28.50
Form 10/P16	£40.00	£41.00	£41.00
Miscellaneous Fees			Fees will be set on a cost-recovery basis

a 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.

