

## JOINT CONSULTATIVE COMMITTEE

### MINUTE OF MEETING HELD ON 9 FEBRUARY 2010 IN MEADOWBANK HOUSE BOARDROOM

#### **Present:**

#### **Law Society of Scotland:**

Lionel Most  
John Scott  
Ian Moffett  
Janette Wilson

#### **Registers of Scotland:**

Sheenagh Adams, Keeper (Chair)  
John King  
Sandy McNeil  
Catriona Hardman

Karen Alexander (Secretary)  
Gillian Martin

#### **Welcome and apologies**

1. The Keeper opened the meeting and welcomed Catriona Hardman, the new Deputy Keeper (Legal and Corporate Services) and Sandy McNeil, the new Head of Legal Services, to their first meeting of the JCC.

1.2 Apologies were received from Scott Wortley, Anne Boyd and John McNeil.

#### **Minutes of last meeting**

2. The minute of the meeting held on 12 October 2009 was approved as an accurate reflection of the meeting. The following action was carried over.

**Action 1: Secretariat to add the requisitions time frame and live cases with court proceedings to the agenda for the next meeting.**

#### **Corporate Plan**

3. Sheenagh advised the Committee that the updated outcomes in the new Corporate Plan tie in with the purpose set out by Scottish Government. Recent research shows that customers are content, in general, with the turnaround targets that RoS has, therefore the targets have not changed significantly from those in the current plan. Sheenagh highlighted the key performance targets for 2010-13. She noted that RoS had not been able to meet the Transfer of Part (TP) legacy target set out in the 2009-2012 plan due to taking longer than anticipated to complete the updating work associated with the Ordnance Survey's Positional Accuracy Improvement Programme and the level of complex registration applications which has continued to rise proportionately and required a greater amount of staff time. Consequently the target has been extended so that all pre 1 October 2011 TP casework will be eliminated by March 2012.

4. As RoS has no control over the Return on Capital target it was suggested that a more sensible target was for a 2% efficiency saving. This will tie in with the rest of Scottish Government will give RoS more control over achieving the outcome. Lionel was concerned that it was not clear from the Corporate Plan Outcomes that registering applications had priority over providing information. Sheenagh assured the Committee that these go hand in hand and that RoS was trying to encourage greater use of information to maximise income and RoS' economic value to Scotland. Lionel was interested to find out which customers had taken part in the research on targets. The Committee noted the proposed targets.

5. The Committee went on to discuss potential changes to the RoS requisition process John explained that RoS were undertaking investigation into the process as one in five applications end up in standover due to the need to requisition Solicitors for additional information. By volume, the largest type of application in standover is Dealings with Whole (DWs) and as these are the least complex cases it was not clear why they were taking so long to resolve. He noted that although some firms have a fantastic record for accuracy he was generally concerned about the standard of work being received, and the financial impact on RoS. Removing the option for standover and introducing a financial penalty were discussed as potential ways to resolve the issue. John Scott suggested a 30-day deadline for corrections that are within the solicitor's control

6. Sheenagh added that there are still issues with number of cases rejected at intake. Sheenagh is writing personally to thank those firms who sent all their applications in correctly. Lionel suggested that as few standover cases are rejected when no response is received applications could be processed excluding indemnity. The Committee agreed that a Journal article setting out the top ten reasons for requisition and rejection should be prepared.

**Action 2: John King is to provide John Scott with the top ten requisition and rejection reasons to allow a Journal article to be prepared.**

**Action 3: RoS Secretariat to arrange for Handling Cases involved in court proceeding to be added to the agenda for the next meeting.**

**Action 4: John King to provide the Committee with information on the percentage of customers now signed up to Direct Debit.**

**Action 5: Chris Dempsey to provide details on which customers took part in the research on targets.**

## **Land Registration Bill**

7. Sandy McNeil informed the JCC that the second part of the Bill has not been published yet. When this is available, RoS to respond and the project team will begin work alongside Scottish Government solicitors. A consultation process will help to identify and assess issues. Catriona Hardman added that the Bill is likely to be introduced to Parliament in late 2011.

## **Review of Registration Targets**

8. Sheenagh commented that it was reassuring that customers were generally content with RoS' registration targets. A minority thought that a TP target is necessary and this is something RoS will look at in the future. The delay in processing TPs relating to the completion of Ordnance Survey maps is still an issue. The Committee discussed the possibility of issuing qualified land certificates where the Ordnance Survey position had not been finalised. However as the majority of clients want a confirmed position the JCC agreed that RoS should keep the current process at present. The potential to work with estate developers was also discussed.

## **Registration Results**

9. The JCC noted the Registration Results. They noted that the number of fraud cases has reduced as RoS has identified that some cases have been mistakenly classified as fraud in the past. John Scott highlighted that identity fraud is becoming a bigger issue but that rigorous identity checks were being introduced within the legal profession in Scotland. RoS takes the threat of fraud taken very seriously and has a range of triggers in place to identify potentially fraudulent cases. Ian Moffett questioned whether the legal profession realised that if they make an error on the application form that they may be sued. John Scott stated that it may be worth reiterating this point to them.

## **Legacy**

10. John King advised that there were currently just under 7000 cases Legacy remaining. RoS projected that this total will be down to 5000 non-standard cases by the end of March. He explained that many of these cases were more complex than those which RoS expected to register in future years. Lionel advised that the Consultative Committee could encourage solicitors to do cases in a particular way if there are particular issues such as Deed of Conditions or Dual Registration. The JCC congratulated the RoS staff involved in completing the Legacy casework.

**Action 6: John King is to report to the JCC about any particular types of casework which the Consultative Committee could provide assistance with.**

## **Register of Floating Charges**

11. John King informed the JCC that RoS has set up a working group to address current issues. The group has held its first meeting, however some further meetings would be required before a paper is presented to Scottish Government.

**Action 7: John King is to provide a further update to the June JCC.**

### **A.O.B**

12. Lionel was concerned that acknowledgements for Form 4 applications were only being sent to the principal applicant, therefore the security holder is not aware if application has been received. John King explained that, when electronic systems come into place later this year, an acknowledgement would be sent to all parties.

**Action 8: John King is to investigate whether anything can be done about acknowledgements for Form 4s in the meantime and confirm the dates for the introduction of electronic acknowledgements to Lionel Most.**

13. Lionel asked about when circumstance an internal correction takes place as he was concerned that an example of only one owner of a jointly owned space being notified of an internal correction. John King advised that this should not have been an internal correction but possibly a rectification.

**Action 9: Lionel Most is to provide John King with the details of this case. Also, a definition of both 'internal correction' and 'rectification' is to be posted onto the intranet.**

14. Global Transactions were discussed and John advised that agents should always get in touch with RoS to discuss the fee before this type of transaction was submitted. John King suggested Lionel should get in touch with Charles Keegan to discuss an individual case where there had been a particular issue.

15. John Scott asked if RoS intended to hold road shows with the Conveyancing Committee in the coming year. Catriona explained that she intended to discuss this at the next Conveyancing Committee meeting.

16. Sheenagh informed the Committee about the recent staff changes at RoS and that RoS is moving Directorate within Scottish Government to Justice Department. However Mr Swinney and Mr Mather will remain as RoS' Ministers. She added that RoS was looking at ways to structure Registration to be more focussed on customers needs and that she would welcome the Committee's views in advance of the next meeting.

**Action 10: RoS Secretariat to provide the JCC with a revised organisational chart before the next meeting.**

**Action 11: Committee members are to feedback thoughts on how the structure of Registration could be changed to be more focussed on customers needs in advance of the next meeting.**

**Date of next meeting**

17. The next meeting will be held on 9 June in Hanover House to accommodate the Conveyancing Committee meeting.