

JOINT CONSULTATIVE COMMITTEE

MINUTE OF MEETING HELD ON 12 OCTOBER 2009 IN MEADOWBANK HOUSE BOARDROOM

Present:

Law Society of Scotland:
Lionel Most
John Scott
Janette Wilson
John McNeil

Registers of Scotland:
Sheenagh Adams, Keeper (Chair)
Andy Smith
John King
Ian Moffett

Kerrie Harkness (Secretary)

Welcome and apologies

1. The Keeper opened the meeting and thanked members for their attendance at her first JCC as Chair. She welcomed Andy Smith, the newly appointed Deputy Keeper (Service Delivery) to the Committee, as well as John King, the new Director of Registration. The Keeper advised the Committee that Catriona Hardman, who presently works for the Office of the Solicitor to the Scottish Parliament, would take up post as the new Deputy Keeper (Legal and Corporate Services) in November. Kenny Crawford, currently at Historic Scotland, will take up the Head of Business Development and Customer Services post from mid October. The Keeper also noted that Alison Chisholm, the current Finance Director, was leaving RoS to take up a new post at the University of the West Scotland in November. She will be replaced by Laura Petrie, who is currently the Finance Director at Historic Scotland.

1.2 The Keeper also informed the JCC that RoS were in the process of recruiting an Information Director and a further Non Executive Director. She also advised that they had not yet appointed a Head of Legal Services from the recent round of recruitment and were now planning to second a member of staff from the Scottish Government Legal Directorate.

1.3 Apologies were received from Scott Wortley.

Minutes of last meeting

2. The minute of the meeting held on 1 June 2009 was approved as an accurate reflection of the meeting.

Matters Arising:

- **Review of the Land Registration (Scotland) Act 1979**

3.1. The Keeper highlighted that work had finished with the Law Commission with regard to the Draft Land Registration Bill and that the Bill would be submitted to Ministers by the end of the year. The Commission and RoS had worked well together and had also had an Economic Assessment carried out by BiGGAR Economics to evaluate the cost and worth of the Bill to the Scottish Economy. The Assessment would be published at the same time as the Bill. The Keeper noted that an article would be published in the Law Society Journal about the progress of the Land Register Bill Review. The Committee asked when the Bill would be implemented and were advised it would be introduced to Parliament in 2012 and would be implemented in 2014.

ACTION: RoS Secretariat to arrange for the Land Registration Bill Review to be a substantive Agenda item at future meetings.

- **Automated Registration of Title to Land**

(b). Andy Smith informed members that the current figure for applications processed through ARTL was approximately 20,000. He emphasised that few cases were Transfers and that the majority of them were Standard Securities and Discharges. The Keeper had met with Susan Rice of Lloyds TSB to discuss getting their templates online as this would significantly benefit the ARTL rollout. Andy added that Kenny Crawford would be assuming responsibility for the roll out when he took up post and he would be looking at ways to become more focused in promoting ARTL and increasing the amount of transactions being processed. Andy also commented on the positive feedback from those solicitors who had already signed up for ARTL. In particular McVey & Murrice who were now one of RoS ARTL success stories, were in the process of completing a case study for RoS and this would be included in the welcome packs that firms would receive when noting their interest in the service.

The Committee questioned the reasons why there was such a low usage rate. Andy explained that the property market in its current state and the downward trend of registration numbers were all factors. However, RoS had used this time to their advantage and had been training people on the ARTL system. RoS had also seconded a paralegal from a large Edinburgh firm, who may otherwise have been made redundant, to assist in the roll out process. This allowed RoS the benefit of their conveyancing expertise while arming the individual with the necessary skills to use and promote ARTL on return to their position within the firm. This has worked very well. Andy also informed the Committee that the Ministerial Launch was scheduled for November or December and this would assist in raising the profile of ARTL.

- **Implications of PMP case**

(c). John King advised that the new policy came into practice on 1 August 2009, with the main change being with new developments. He pointed out that he had promoted the new policy at the recent Conveyancing Conference but was disappointed with the lack of feedback he had received since the start

date. He noted this was likely to be due to current market conditions and the lack of new developments being built.

Keeper's Registration Results

4. Andy noted the drop in First Registration intake levels and explained that more straight forward applications were being dealt with at this time. The Communications team were commissioning research to identify customers' views on the optimum turnaround times for case types and this would allow for a better service overall.

He informed the JCC that RoS were behind target with Transfers of Part. This was largely due to updated Positional Accuracy Improvement (PAI) being received from the Ordinance Survey. A system had now been put in place and the back log was being addressed. Andy summarised by adding that RoS were currently assessing the 2010-2011 target. He was hopeful that the situation would improve by the end of the year. He also reported that RoS were behind with the Dealings of Whole turnaround target due to a backlog of work in the Despatch area. However, it was forecast that the 80% target would be reached by the end of the year. It was a similar situation within Sasines and with the Legacy targets; both were behind but this was down to summer leave and was now on track to be met by the year end.

The Committee questioned the number of legacy cases that were outstanding. John King informed the JCC that the current priority was to eradicate all pre-October 2008 First Registration casework within this financial year. This work is complex and time consuming and requires skilled staff to complete it. Progress against target is going well but the impact on outputs of the Title Conditions Act had been greater than anticipated. The JCC raised the issue of older casework. Andy confirmed that for reasons outwith the Keeper's control there were 280 legacy cases which could not be completed at the end of last year. This number had now been reduced to 218. The Committee were extremely pleased with this figure and noted that it used to be considerably higher.

The Keeper advised that RoS was looking into amending the 60-day requisition rule to 30 days and to completing cases that previously could not be worked on due to ongoing court proceedings. The Keeper asked the members to reflect on these to discuss at the next meeting.

Andy advised that since the Registration Accuracy Target had increased to 98.5% RoS had struggled to meet it. A Quality Working Group had been set up to look into improving performance against this target. Andy considered that this would be a challenge, particularly in respect of the drop in work levels.

The Deputy Keeper moved on to discuss Indemnity Claims. He reported that these were 17% under budget in Quarter 2, which was extremely good news. In total, 51 claims had been settled and it was noted that there had been a decrease in the number of claims from the previous quarter, from 39 to 35.

Finally, Andy advised the JCC that the predominant reasons applications were being returned as a result of solicitor errors was due to funds not being submitted with applications, cheques not being signed or out of date or the wrong fee given. John King commented that on the grounds of rejection that an application would be rejected where the accompanying Forms are dated more than 10 days before the date of lodging the Land Register. The members agreed that this was fair practice. Andy stated that RoS was investigating ways of rectifying these errors and in particular he noted that RoS was looking into making Direct Debit mandatory. The Keeper confirmed this and added that she was hoping to have this in place by April next year. Janette Wilson suggested that RoS begin to publish this if Direct Debit was to become mandatory so that firms were aware and could look into setting up appropriate accounts.

The Keeper had a final point regarding the rejection rate of solicitors firms. She made the JCC aware that only one firm had no returned applications and for that she made a point in praising them for their flawless work. She had written to the managing partner and sent a box of chocolates.

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

Form 4 Acknowledgments

5. The Committee agreed to the suggested changes in the revised Form 4 presented by John. This would now be passed to IT for roll out.

Staff Appointments and Structural Changes

6. This item was covered at item 1 on the Agenda.

A.O.B

7. There was no other business to discuss.

Date of Next Meeting

8. It was agreed that meetings for 2010 should be put in diaries as soon as possible and that the meetings should coincide with Conveyancing Committee meetings where possible.

The Keeper thanked the members for their attendance and noted that she hoped to see them at the Keeper's Christmas Reception.

ACTION : Secretariat to arrange the three meeting dates for next year with at least one being in Glasgow.