



Since the introduction of the Land Register, we have given guidance to Solicitors before receiving applications for registration.

Some pointers for Solicitors referring enquiries to the Pre-Registration Enquiries Section

Guidance can include views on defects in title, possible exclusions of indemnity, remedial conveyancing, or additional evidence that may be required in a given case. Requests for guidance on fairly complex matters like these are normally handled by the Pre-Registration Enquiries Section, located at our main office in Edinburgh. The service is free of charge, as it saves both us and the applicant time when the application for registration is made.

Pre-Registration DOs

- Do contact us early
- Do put your enquiry in writing
- Do tell us the date of settlement
- Do tell us what stage your transaction is at
- Do give us all relevant details
- Do provide appropriate documentation
- Do respond to further enquiries from us

Pre-Registration DONTs

- Don't delay till settlement is imminent
- Don't make complex enquiries by telephone
- Don't settle with queries unanswered
- Don't ask hypothetical questions

Over the years, the Pre-Registration Enquiries Section has received many thousands of enquiries covering a wide range of topics. Here are a few typical examples, reduced to their essentials, to illustrate the variety of subjects covered:

"My client has a Power of Attorney granted by his mother, an elderly widow, two years ago. She is now incapax and her house is to be sold. Since she cannot sign a Matrimonial Homes Act affidavit, can the attorney sign the affidavit on her behalf?"

"We act for the Forth Valley Building Society who recently repossessed the house at 64 Main Street, with a view to selling the same. We now realise there was a typing error in the Calling Up Notice, in that the proprietor's forenames were transposed, being given as Ann Susan instead of Susan Ann. However, the proprietor did not object and she voluntarily surrendered possession. Please confirm that you will not exclude your indemnity when you register the purchasers' title, notwithstanding the typing error."

"The Feu Disposition for the flat which our clients have concluded missives to purchase confers a right of common property to a drying green that is described as being coloured pink on the deed plan. The plan does indeed show it as such, but in the burdens clause the drying green is erroneously said to be coloured blue on the plan. What view will the Keeper take of this discrepancy?"

A range of frequently asked questions
(FAQs) can be found on our website
www.ros.gov.uk

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