

Introduction

1. Registers of Scotland (RoS) have conducted a review of the fees we charge for recording and registration in the Land Register, Sasine Register and Chancery and Judicial Registers. We undertook public consultation on the proposals arising from this review over the period 21st April 2006 to 19th June 2006 and we are now reporting on the outcome of that consultation. (A copy of the consultation document, setting out the main changes proposed to the existing fee structure, is available on our website.)

The consultation exercise: consultation methods

2. In undertaking the review we sought the views of our customers (in particular solicitors, acting on behalf of the house-buying public, and the relevant professional bodies) on the current fee structure, including any perceived complexities, potential weaknesses and other relevant matters.

3. We then identified ten key stakeholders who were contacted in writing on an individual basis and invited to submit responses on the proposed changes to the fee structure. In accordance with Scottish Executive guidelines, the consultation letters were accompanied by a covering letter informing consultees on how their responses would be handled. We also put a copy of the consultation paper and further background information relating to the consultation exercise on our website to allow members of the public and other stakeholders the opportunity to comment on the proposed new fee structure. During the course of the consultation there were 289 hits recorded on this section of our website.

4. Existing stakeholder groups, such as the Joint Consultative Committee of the Law Society of Scotland and Registers of Scotland, were also utilised to bring stakeholders' attention to the consultation exercise.

Responses to the consultation exercise

5. The consultation exercise generated nine responses. The breakdown is as follows:

- three responses indicated that they had no comments to make;
- one response requested confidentiality;
- one response welcomed the proposed simplification of the fee structure and the introduction of reduced fees for Automated Registration of Title to Land (ARTL) transactions;
- one response welcomed the introduction of a fixed fee for securities and related deeds and approved of the simplification of the fee structure and the introduction of reduced fees for ARTL transactions;
- one response appreciated the benefits of the savings to the consumer in the costs of non ARTL transactional or remortgage work and was supportive of the further reductions for ARTL fees;

- one respondent welcomed the proposed simplified system, in particular the reduction in fees with regards to Securities and Discharges; and
- one respondent welcomed the revised fees, in particular the simplified charging structure and the flat rate charge for Heritable Securities. They also welcomed the introduction of reduced fees for ARTL.

No respondent raised any objection to the introduction of the proposed changes.

6. Copies of the five substantive responses (from Anderson Strathern, the Council of Mortgage Lenders, Golds Solicitors, Homes for Scotland and the Law Society of Scotland) have been placed on the RoS website <http://www.ros.gov.uk/solicitor/regfeesconsultation.html> and are also available from the Scottish Executive Library.

RoS view of consultation responses

7. RoS is grateful to those who responded and considers that the responses endorse the proposed new fee structure. We believe that the responses provide a fair indication of the views of those with an interest in our proposals, coming as they do from the Law Society of Scotland (the governing body for Scottish solicitors, who submit applications for registration and recording on behalf of their clients), the Council of Mortgage Lenders (the representative trade body for mortgage lenders), Homes for Scotland (which represents over 90 builders who account for 95% of new homes built in Scotland), Golds and Anderson Strathern, solicitors (who between them present around 8.5% of all applications for registration in the Land Register). Together, these bodies comprise a significant RoS customer representative grouping for those parts of our service affected by the changes to the fee structure.

8. RoS also feels that the number of responses is a good reflection of the non-contentious nature of the proposed changes to the current fee structure.

Next steps

9. The fee changes require certain statutory procedures to be followed. We will now be putting these in hand and we expect that the Scottish Ministers will make a new Fee Order based on the fees consulted upon.

Registers of Scotland
29th September 2006