



Since inception of Land Registration we have encountered numerous problems resulting from incompatibility between the legal extent of a property as defined on a Deed Plan (or bounding description), and the occupied extent on the Ordnance Survey (OS) Map.

These guidelines should be adhered to if these problems are to be avoided.

Checklist - Guidelines for Solicitors and their staff to prepare for First Registration.

Checklist for the selling Solicitor

Can the subjects be identified on the OS map?

YES/NO

NO - Is a deed containing a full bounding description with measurements available?

YES/NO

NO - Unless the property is part of a flatted tenement, a plan must be prepared which accurately reflects the position (See leaflet Deed Plan Criteria).

Has a P16 Report been requested?

YES/NO

YES - Do the boundaries of the subjects agree with the extent shown on the map?

YES/NO

NO - You must provide details of what action has been taken to remedy/clarify the situation.

If the P16 service has not been used - Do the legal and occupied extents agree?

YES/NO

NO - Has the discrepancy been investigated and what action has been taken to resolve the difference?

Is the property being registered to be using divided or re-developed and sold in parts? i.e. builders/developers title?

YES/NO

YES - Consideration should be given to using the Agency's Estate Plan Approval (EPA) service which identifies differences between the extent of the site and the legal boundaries. It serves to provide early notice of departure from the proposed layout and greatly simplifies and speeds up the subsequent Application for Form 12 Reports and Registration of Transfers.

Checklist for the purchasing Solicitor

Part B - Question 1

Is a deed available to illustrate the extent of the subjects to be registered?

YES/NO

YES - Ensure deed has been lodged with the application and quote the relevant number on the Form 4 Inventory.

NO - Ensure that a full bounding description allows the extent of the subjects to be identified on the OS map.

(If neither has been lodged a plan will be required duly certified with the appropriate docquet).

Note: Tenement Property - Although the Form 1 states that the need for a plan or full bounding description does not apply in the case of tenement property, it is still necessary for the extent of tenement steading to be identified from the deed plans or descriptions lodged in support of the application.

REMEMBER - BEFORE SUBMITTING YOUR APPLICATION.

The Land Register is a map-based system and as such, the subjects must be identifiable on the OS map.

The legal extent and occupied extent must agree - if not details must be given of remedial action taken.

If a new deed plan is required adhere to the guidelines for preparation.

(In all cases if a P16 Report is available it should be submitted with the application, regardless of the answer).

Clearly if a discrepancy exists, then the situation must be properly investigated and remedied before the submission takes place. It is recommended that a site visit be undertaken to ensure full awareness of the scale and background of the problem.

If the extent of the property as defined in the deeds is found to be larger than the occupational extent, verification of the applicants willingness to accept the smaller extent must be supplied. Alternatively, if the legal extent is less than that occupied, then evidence of any necessary remedial action must also be given with the application.

Question 2

Have you had delivered a clear P16 Report?

YES/NO

YES - Care should be taken to ensure that a positive answer is given only if the boundaries of the subjects coincide with the OS map (i.e. P16 - Answer 2).

YES/NO

NO - Does the legal extent depicted in the plans, or descriptions in the deeds submitted in support of the application cohere with the occupational extent?

NO - Question 1 a), b) and c) on Form 1 must be fully answered.

Question 3

Is the applicant in full possession or occupation of the subjects being registered?

YES/NO

NO - Full information of the adverse occupation, including details of the occupant, the extent and length of time and any agreement etc. must be provided.

Note: An application to register a Transfer of Part must have a plan of the subjects conveyed (unless a flatted property) attached to the deed inducing registration.

Checklist for the purchasing Solicitor Transfer of Part (TP)

Is the TP from a Developers Title?

YES/NO

YES - Is EPA in operation for the Title from which the property is being removed?

YES/NO

YES - The deed plan can be an excerpt of the Estate Plan approved by the Keeper with the subject conveyed delineated thereon and the descriptions based on a reference to the deed plan.

NO - The deed plan must be prepared in line with the guidelines on deed plan preparation (see our leaflet - Deed Plan Criteria) and contain sufficient surrounding detail to accurately confirm the extent of the property.

Has a Form 12 Report been applied for?

YES/NO

NO - What independent check has been carried out to confirm the property falls wholly within the Parent Title?

YES - Did the response confirm that the property falls wholly within the Parent Title?

YES/NO

NO - What action has been taken to resolve the problem?

Further information:

Registers of Scotland Executive Agency
Meadowbank House

153 London Road, Edinburgh EH8 7AU

LP 54, EDINBURGH 5

DX 555400, EDINBURGH 15

Tel: 0131 659 6111

Fax: 0131 479 3688

Email: keeper@ros.gov.uk

