

PAGE 2: Information about you

Q3: Are you responding as: (please select below)
on behalf of a group or organisation

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Q4: Individuals Do you agree to your response being made available to the public (in the Scottish Government library and on the RoS website)?

Respondent skipped this question

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Q5: Where confidentiality is not requested, we will make your response available to the public on the following basis (Please select ONE of the options)

Respondent skipped this question

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Q6: On behalf of groups or organisations The name of your organisation WILL BE made available to the public (in the Scottish Government library and on the RoS website). Are you content for your response to be made available?

Yes

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Q7: 1. Do you agree with the proposed approach to KIR starting with residential properties in research areas?

Yes

Comment: The results of your pilots suggest this is the right approach and we would support it.

Q8: 2. Do you agree that we should start KIR in areas that will have the highest impact on completing the land register and supporting conveyancing?

Yes

Comment: Yes. Given the desire to complete the Land Register within a 10 year period this appears to be the correct approach.

Q9: Q3. Do you agree that we should work in partnership with the owners of heritage assets to complete registration of their titles by KIR?

Comment: No comment

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Q10: Q3. Should land that has entered the land register through KIR be identified differently from a trigger-based or voluntary registration through a note in the property section of the title sheet, and/or a separate field marking the date of keeper-induced registration?

Yes

Comment: We believe for the reasons outlined in the consultation that it is essential in the Land Register the property is identified as one registered using KIR and that the date of KIR is detailed.

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Q11: Q4. Do you agree with the Keeper's general approach to the KIR mapping of legal extent?

Yes

Comment: This is a matter for those with expertise in conveyancing matters, but the approach suggested appears to be a practical one.

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Q12: Q5. Do you agree with the keeper's proposed approach to incorporeal pertinents?

Comment: This is a matter for those with expertise in conveyancing matters.

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Q13: Q6. Do you agree with the keeper's proposed approach to property titles that include an 'equally and survivor' destination or are held by ex-officio trustees?

Yes

Comment: We believe that there is no alternative under KIR but to show in the Land Register the name and designation of those as shown as being recorded as proprietors in the Sasine Register.

Q14: Q7. Are there any other circumstances where the sasine register may not show the last person with a completed title?

None of which we are aware.

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Q15: Q8. Do you foresee any practical difficulties in narrating a list of the deeds that contain encumbrances, rather than setting out the burdens in full? If so, how could these difficulties be addressed?

Comment: This is a matter for those with conveyancing expertise, but it does seem a sensible approach.

Q16: Q9. Do you agree that the keeper should adopt the same approach to listing deeds in the burdens section for triggered registrations with a hyperlink to the text of the deed?

This is a matter for those with conveyancing expertise, but it does seem a sensible approach.

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Q17: Q10. Are you content with how we plan to communicate KIR?

Yes

Comment: Communication to owners on KIR will be important. It will need to be non-technical and give an assurance that nothing has changed in respect of ownership, with the title simply being transferred from one register to another. It will also need to be considered where warranty is excluded or limited if this should be drawn to the attention of the owner. On balance we agree with the proposal that communication should not take place until KIR is completed, otherwise there is a risk of concerns being raised unnecessarily and potentially delaying the KIR process.

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Q18: Q11. Do you agree the keeper should produce guidance on the additional information likely to be required at the next transaction after a KIR?

Yes

Comment: Where the first transaction to happen after KIR is a grant by the registered proprietor of a new Standard Security in favour of a lender, we would agree where the title is warranted fully that it is unlikely that the lender will want any additional checks undertaken, as they will be able to rely on the title in the usual way. Where, however, limitations or exclusions apply we would suggest the lender may want to understand the reasons and see if they can be remedied or alternatively they may look for title insurance to be taken out. We would agree that it would be appropriate for RoS to produce guidance for the first transaction post KIR, which involves a change of registered proprietor. Where that first transaction involves the granting of a Standard security by the new proprietor we would expect that lenders will require a full title examination to be undertaken and for any limitations/exclusions to be addressed.