

## Completion of the Land Register - Public Consultation – Respondent Information Form

Please note that this form must be returned with your response to ensure that we handle your response appropriately.

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1. Are you responding as: (please tick one box)

An individual  go to 2a/b

On behalf of a group or organisation  go to 2c

### 2a. INDIVIDUALS

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

Yes  go to 2b below

No

2b. Where confidentiality is not requested, we will make your response available to the public on the following basis (Please tick one of the following boxes):

Yes, make my response, name and address all available

Yes, make my response available, but not my name and address

Yes, make my response and name available, but not my address

### 2c. ON BEHALF OF GROUPS OR ORGANISATIONS:

The name and address 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

No

3. We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

**Question 1: Do you agree that Scottish Ministers should close the Sasine Register to standard securities?**

Yes, this seems sensible.

**Question 2: Do you agree that the fee for the associated voluntary registration of the property should be waived?**

Yes.

**Question 3: Do you agree that closure of the Sasine Register for standard securities should be introduced across Scotland at the one time or should it be introduced on a staggered basis by county or by groups of counties?**

Yes, closure should be introduced across Scotland at the same time.

**Question 4: What deeds do you consider it appropriate to close the Sasine Register to and so require voluntary registration of the title in order to give legal effect to the deed?**

We require that the Register remains open to deeds that are drawn up and granted by bodies other than the proprietor.

SNH needs to be able from time to time to register deeds against titles currently recorded in the Sasine Register. These deeds include management agreements made under s.49A of the Countryside (Scotland) Act 1967, s.15 of the Countryside Act 1968 or Regulation 16 of the Conservation (Natural Habitats &c.) Regulations 1994, and Nature Reserve Agreements made under s.16 of the National Parks and Access to the Countryside Act 1949.

Nature Conservation Orders (made by the Scottish Ministers under s.23 of the Nature Conservation (Scotland) Act 2004) and Land Management Orders (made the Scottish Ministers under s.30 of the 2004 Act) must also be recorded in the Sasine Register or registered in the Land Register as appropriate.

The register that these deeds are recorded or registered in has little operational impact on SNH; the important issue for us is that these can still be registered against relevant titles. Often these agreements and Orders apply to relatively small areas of much larger landholdings. Keeper Induced Registration of these properties may be time-consuming for Registers of Scotland and the landowner and/or his agents, and disproportionate to the matter that triggered this in the first place.

**Question 5: Do you agree that the fee for the associated voluntary registration of the property should be waived?**

Yes, we agree with the logic of this approach as a means of completing the Register.

**Question 6: Do you agree that the legal power the Keeper has to refuse a request for voluntary registration should be removed, irrespective of the outcome of the proposals on introducing additional triggers?**

Yes, this will be important to achieve the completion of the Register within the proposed timescale

**Question 7: Do you agree that a reduced fee should apply to voluntary registrations? If so, do you agree with the proposed 10% reduction?**

We would question why this is not proposed to be waived completely when there is a proposal to waive the fee for voluntary registration of properties triggered by the closure of the Sasine Register to certain deeds. Any registration fee may be a disincentive for many property owners to bring forward properties for voluntary registration, particularly when the alternative (KIR) may be free of charge.

Voluntary registration of public land will incur significant expense to public bodies, both in registration fees and particularly legal costs. Any reduction to Registers of Scotland's fees is welcome, but we believe that there should be a larger reduction for public body 'voluntary' registration. This will generally involve the registration of titles to deeds already recorded in the Sasine Register with no change to any existing rights.

**Question 8: Do you agree with the proposed approach to piloting KIR to inform a consultation on the detailed approach to and strategy for KIR?**

It is sensible to trial KIR, as this could become an increasingly important route to completing the Register.

As the owner of a significant amount of Scotland's heritage land, SNH will be interested in the approach taken to similar properties held by NGOs.

**Question 9: Should other elements be included in the pilot and what should these be?**

We cannot think of any other elements to include.

**Question 10: Do you agree with the proposed approach to completion?**

We welcome the proposal to work closely with public bodies on the registration of public land, and look forward to seeing further guidance on voluntary registration in due course.

**Question 11: Have you any views on our proposals for funding the completion of the Land Register?**

No, although please refer to our response to question 7.