

REGISTERS OF SCOTLAND

DIGITAL TRANSFORMATION – NEXT STEPS

30 November 2016

The introduction of the *Land Registration etc. (Scotland) Act 2012* (the 2012 Act) laid the foundations for conveyancing and land registration in Scotland to move out of the paper world and into the digital world. Much has already been achieved but the next steps in the journey will require changes to be made to the land register rules, using the regulation-making powers provided for that purpose in the 2012 Act. This consultation focuses on these changes and is in two parts. Part one sets out proposals for the introduction of new digital services in the Land Register; and part two sets out proposals for some consequential changes and other improvements to the land registration application form to support digital submission.

Comments on the proposals set out in this consultation are invited by **22 February 2017**, with a view to new regulations coming into force (subject to the approval of Parliament) later in 2017.

1. Do you agree that transition to a digital first service should be the next step?

At Altis we firmly believe that the progression to a digital first service will be beneficial for all parties involved. We believe that being able to submit the Land Registration Application digitally will provide ease for those completing the application, security and an increased standard of submission.

2. Do you agree with the proposed timescale of 1 April 2018 for prescribing that advance notices over part be fully digital?

We believe the 1st of April 2018 to be an appropriate timescale.

3. Do you agree with a notice period of six months?

We believe that 6 months should be long enough for firms to make the necessary arrangements for increased digital processes and practices. Certainly, if implementing a cloud based software such as Altis onto existing computers, it shouldn't take much longer than a week or two.

4. Do you agree the initial focus for digital registration, following launch of the digital discharge service, should be provision of channels aimed at standard securities and dispositions?

As two of the three most popular deeds submission types, yes we would agree that standard securities and dispositions should receive full attention following the successful launch of the digital discharge service.

5. What deed types do you consider we should prioritise for new services subsequent to securities and dispositions?

6. Do you consider that for the limited purpose of dual recording, it should be permissible to record an electronic deed in the sasine register or should be permissible to record a paper copy of the digital deed?

We believe, that although digital processes would be the preferred in all instances, for this limited purpose there should be no issue having a dual recording in both the Land and Sasine Registers.

7. Do you agree that ten working days from the date of digital submission is an appropriate period to allow the prior deeds to be submitted?

Yes, we believe that ten 10 should be sufficient for firms to submit any paper held prior deeds alongside the digital application submission.

8. Do you have a view on alternative ways you would like to present supporting documents accompanying a digital application?

Perhaps supporting documents could be submitted alongside the application as an attachment (scan/PDF) – that way provisionally a copy is supplied, in order to ensure the RoS know they are waiting on a paper copy to arrive within the appropriate 10 day period.

9. Do you agree with the main changes that we propose to make to the application form?

We absolutely and whole-heartedly support the main changes to be made to the application form. Wording differences will help clarify the required content and although minor, will hopefully help not only applicants in knowing what information is being requested, but also to RoS in knowing what information is being submitted.

Removing the need for information that is already held by the keeper will help reduce the change of rejections for incorrect information and is beneficial massively from our point of view, as it means less info that must be submitted.

Most importantly altering the structure of the form to make it easier for applicants to fill out and for RoS to process will make massive, very beneficial changes to the way the application is considered. Hopefully the combination of all three of

these alterations will result in easier flow of information, increased security for information and will result in fewer rejections of the LR application.

10. Are there any other changes you suggest we should make with a view to simplifying it and making it easier to follow?

11. Do you agree that instead of prescribing the content of the application form in the Land Register Rules, the keeper should publish the land registration application form on an administrative basis so that it can be amended from time to time, following consultation and due notice, without the need for changes to be made to the rules?

Yes, we believe this should be the case. There is always going to be a need for amendments to the application to be carefully considered, however there is also a need for increased flexibility in the RoS approach to the application, something that is obviously being addressed by these increased digital changes. Allowing the application to be changed administratively also addresses this need for flexibility and should be supported.

12. Do you agree that this approach should be adopted for both applications submitted on paper and applications prepared through a digital service provided by the keeper?

This flexibility should be available for both applications submitted on paper and applications prepared through a digital service.