

PAGE 2: Information about you

Q1: Name: Neil Ross

Q2: Email address

neil@grigor-young.co.uk

Q3: Are you responding as: (please select below)

an individual

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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)?

Yes

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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)

Yes, make my response, name and email address all available

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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?

Respondent skipped this question

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

No

Comment: The trials show that a strong possibility of inaccuracy of title sheets is likely. This is not acceptable and negates any perceived benefits. Although a research area is more likely to result in title sheets being accurate it is inequitable that ordinary property transactions will fund the "free" KIR. The suggested format of the title sheet, which cannot guarantee the ownership, extent, rights or burdens, will create another tier of land registration which will be confusing. The Registers core role for land registration is currently being inadequately serviced and it is important that funding is not utilised for a role which, given the inferior tier of registration gives no benefit to owners or the public. Your own comments confirm that the register may not be accurate. You will have difficulties where boundaries are not clear. It is wrong to waste funds on creating a "secondary" register which may or may not be accurate.

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?

No

Comment: If the intention is to complete the land register it would be more sensible to encourage voluntary registration by offering incentives of a positive nature such as no registration costs and a contribution to legal costs based on the value of the property or the size of the plot being registered.

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?

No

Comment: not at the expense of other first registrations who are paying for the service. Your own trial proved it wasn't successful.

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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?

No

Comment: I don't think KIR should be allowed to start for the reasons given in this reply and in the reply from Janet Taylor of Grigor & Young.

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

No

Comment: It doesn't make sense to spend all that effort to achieve a title that still may have to be rectified in the future. The sources available using old OS maps etc should be made more readily available free of charge in a first registration to assist applicants when difficulties arise on a registration rather than rejecting applications without giving proper assistance to get the registration completed

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

No

Comment: It is essential that the detail from Sasine deeds is confirmed by the current land owner and where appropriate other titles. The information is not within the keepers knowledge and it is unacceptable to include any matter which may be misleading.

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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?

No

Comment: As mentioned above all that this does is create an inaccurate register. Efforts should be concentrated on assisting voluntary registrations with free registrations and financial assistance as an incentive to register.

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

Respondent skipped this question

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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?

Yes

Comment: The problem is you are creating two levels of registration. Currently an applicant's solicitor has to determine which burdens still apply and must list them. If one is omitted because we think it should not be included we run the risk that the application is rejected but the KIR will be an easy option for the keeper by simply not investigating the true situation (because she can't and isn't aware of the situation on the land). This will lead to another set of title sheets that differ. This is really another inaccurate register which can't be relied upon. Any future sale will still involve a proper investigation of the title. This future demonstrates the waste of funds this KIR exercise is.



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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?

One of the current problems is that there are situations where the land certificate itself is insufficient to identify the subject. This in itself is appalling and is something which needs to be addressed.

Hyperlinking the burdens writs is an easy way to make a proper link to the burdens but means that we have over 1.5 million titles which are either incomplete or possibly inaccurate having relied upon the Keepers interpretation of the burdens. As it is it is often difficult to decipher what burdens still apply because of the current way burdens are listed.

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

No

Comment: In many cases the keeper may be writing to a property not occupied by the person she believes owns it. This may lead to opportunities for someone to fraudulently obtain a right to a title unbeknown to the real owner.

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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: But it is essential that funds are directed to the current applicant's difficulties in first registrations. Currently the IT isn't fit for purpose. Applicants have to second-guess the answers that are expected and rejections are made not because the convening is wrong but because the form hasn't been completed properly. We have raised discrepancies with the Keeper and these still have not been resolved. Funds from current applications should be used to rectify and improve the forms for first registrations in particular.