

## KIR Consultation Survey Response

### PAGE 2: Information about you

**Q3: Are you responding as: (please select below)**  
an individual

### PAGE 3

**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

### PAGE 4

**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 available, but not my name and email address

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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*

### PAGE 16

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

No

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**Comment:** Restricting to residential properties in RAs simply delays dealing with areas identified as non residential properties. Later dealings with latter areas will be a duplication of work already undertaken.

**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

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**Comment:** Whether high or low impact KIR is required. As systematic approach by county is less piecemeal.

**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

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**Comment:** I agree with the methodology but not the preferential treatment.

### PAGE 19

**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

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**Comment:** This would be unnecessary if titles were examined to the same standards as an induced registration. Designing KIR registrations in such away infers they are inferior to to registrations based on a full and proper examination. The Keeper has a duty of care when making up title sheets. A second portion of the register does not seem to meet this requirement.

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**Q11: Q4. Do you agree with the Keeper's general approach to the KIR mapping of legal extent?**  
No

**Comment:** I find it somewhat strange that the Keeper considers that the examination by the Keeper's staff is on an equal par to that of a full examination by a solicitor. Without thorough examination the assumption is that the mapping is straightforward. The Keeper will often be examining inferior documentation eg black and white photocopy plans which may not clearly reflect tints, measurements based on these photocopies are invariably inaccurate. Underlaps do not seem to be being considered. The comments on overlaps in Annex D do not seem to envisage all situations e.g (i) walls do not always define the boundary of a property (one of the Keepers court cases will confirm this), (ii) the Keeper may be acting beyond her powers without consulting the proprietor of the subjects being rectified to confirm assumptions of possession are valid. The Keeper will not make the decision to rectify if there is dispute in a case being dealt with by induced registration, (iii) without connection with the parties involved how can the Keeper be satisfied as to possession/ (iv) effectively what is being proposed is the possible theft of land from the KIR proprietor without the chance of remedying the position.

### PAGE 24

**Q12: Q5. Do you agree with the keeper's proposed approach to incorporeal pertinents?**  
No

**Comment:** A further endorsement of an inferior element of the register.

### PAGE 25

**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:** The note is misleading/misinforming. It is not that the Keeper is unable to establish whether the destination has been operate. The Keeper has done nothing to establish one way or the other.

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

The sasine register may show the last completed title but may not reflect documentation not submitted to have register update. Joint titles with no survivorship does not preclude one or more of the parties being deceased, confirmation links etc being held. Companies may no longer exist having been wound up (this likely to affect areas in research areas not conveyed).

### PAGE 27

**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:** Lack of consistency with existing titles registered from research areas

**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?**

No. This is just a step in reconverting land into a register that is just sasines with a plan.registration

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

No

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**Comment:** Post registration communication is negative and does not give the proprietors of the title to influence the process. For instance (a) pre KIR notification would give the title holder the option to request voluntary registration, (b) If it was known that properties were about to be sold or up for sale why waste time on KIR in these circumstances? Rather than send correspondence to the last named proprietor why not address it to the proprietor (no name). This will avoid sending what may be distressing correspondence where one or more of the title holders is deceased. It should be borne in mind that proprietors of proposed KIR will have been owners of the properties for some considerable time and many are likely to be pensionable age.

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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

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**Comment:** If registration was done on proper basis this would not be necessary. Any guidance is always a help. Guidance in this case infers that a KIR is an inferior title