

## Comments by the Scottish Property Federation on Keeper induced Registration (Registers of Scotland consultation document, October 2015)

### General remarks

The Scottish Property Federation (SPF) is a voice for the property industry in Scotland. We include among our members; property investors including major institutional investors, lenders, developers, landlords of commercial and residential property, and professional property consultants and advisers.

We support the intention to complete the Land Register and to close the Sasine Register, thus consolidating title information with the Keeper. Our comments below are therefore largely supportive. However, we are concerned that the completion of the register must be properly resourced and not rushed to meet arbitrary deadlines at the risk of endangering key rights for property owners and investors.

We are happy for our comments to be made public and shared by government departments.

### Questions

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

Yes – in some ways this would represent going after the low-hanging fruit in terms of building up completion of the register. We agree with this approach.

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

Yes -see answer to Question 1.

3. Question 3 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?

The important point is that there is a robust audit trail of when & how the property its accompanying burdens & securities were entered into the registry and with whom the agreement was made. Some concern has been expressed from members around a differentiation between KIR and normal transaction based registration.

4. Question 4 Do you agree with the keeper's general approach to the KIR mapping of legal extent?

No comment

5. Question 5 Do you agree with the keeper's proposed approach to incorporeal pertinents?

No comment

6. 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?

We agree. This could prove to be the more problematic aspect of the KIR where historic titles are concerned.

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

No comments further to answer to Question 6.

8. 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?

We have some reservations here - possible misunderstandings could occur or become adopted in the register and these issues might concern owners or future potential owners.

9. 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?

Prefer fuller description.

10. Are you content with how we plan to communicate KIR?

Yes – we see the approach as generally the right one with the relationship with owners and their advisers is key.

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

Yes – this is vitally important and especially for legal advisers as future transactions occur.