

andy wightman



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Registers of Scotland
Meadowbank House
153 London Road
EDINBURGH
EH8 7AU

Dear Registers of Scotland,

Completion of the Land Register

In response to your consultation, Completion of the Land Register, here follows my response.

Introduction

For over 20 years I have been arguing for the introduction of a comprehensive, publicly-available database of landownership that is free to use by the citizen as part of a modern land information system. The role played by the Registers of Scotland is critical to this endeavour and I welcome the ambition to complete the Land Register within 10 years. Having said that, there will be many areas of land where it will be very time-consuming to register titles - for example, common good land in ancient burghs where the founding charter may be the only title. A more realistic target of 99% may thus be more appropriate.

There is currently a significant amount of information on the remaining areas of unregistered land. There is my own whoownsscotland database, the 1912 Inland Revenue Survey, data held by the Scottish Assessor and the IACS Field Boundary dataset held by the Scottish Government. Aided by such sources, it should be possible to develop a strategic approach to completion of the the register and I will shortly be launching a crowd-sourcing initiative that should assist in this process.

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

Yes. This seems a good way to induce further registration.

Question 2. Do you agree that the fee for the associated voluntary registration should be waived?

No. The applicant will be obtaining a more secure and marketable title. It might be better in such circumstances to offer a reduced fee.

Question 3. Do you agree that closure of the Sasine Register for the 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.

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?

Given that the aim of the consultation is to seek ways to complete the register within 10 years and the costs incurred by Keeper Induced Registration, it is probably best to limit the number of kinds of deeds affected here to those which meet the conditions outlined in paragraph 29. One other that could be included would be Notices of Title.

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

As with Q.2 above, a reduced fee might be more appropriate.

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.

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

A reduced fee is appropriate perhaps on the same scale as Q2. and Q.5 above. A reduction of 10% seems a very small inducement - perhaps 20-25% might be more appropriate.

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?

Yes.

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

It might be worth considering the urban and peri-urban land comprising common good of Scotland's burghs.

Question 13. Do you agree with the proposed approach to completion?

Broadly yes.

Question 14. Have you any views on our proposals for funding the completion of the Land Register?

The completion of the Land Register programme is being proposed in order to meet a public policy goal that goes beyond the conventional role of the Registers of Scotland as a repository to secure and protect private interests. There is a case, therefore for some additional public funds to be voted by Parliament to achieve this end. Such a case would have to be very carefully framed and may not be feasible in the current financial climate.

Returning to my ambition to see a modern land information system incorporating data on ownership, occupancy, land values, land use and administrative and regulatory information, it might be possible to attract funds from other parts of the public sector to assist with the land registration component.

Yours etc.

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