

Scottish Police Authority would appear to have been omitted from the list of consultees nevertheless as a public body holding a significant number of assets throughout Scotland, the Authority would wish to raise issues regarding the application of /fulfilling of the Scottish Government's undertaking to conclude voluntary registration of public estate assets within 5 years.

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

No Comment.

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

No Comment

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

No Comment

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?

A voluntary registration requirement in respect of dual registration against a benefited owner's interest in property currently recorded in the Sasines Register could be imposed where a registration of the burdened interest occurs. In most instances a consideration would be payable for the grant of the burdened interest providing funds for seller's voluntary registration costs. (Missives of sale would require to impose such obligation upon the Seller.)

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

No Comment

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?

Keeper should be entitled to refuse a request for voluntary registration if risk of error or risk of third party interest's being infringed. Due to nature of public land ownership and transfer by statute / property transfer according to function, land holdings may be held by two or more public bodies under the same title or titles. Keeper should be entitled to refuse pending confirmation of occupied/ ownership extent from such adjacent proprietors. There occurs regular instances of erroneous inclusion of related public body interests within Notices of Title expedited and recorded, which inclusions require corrective conveyancing. Such instances are likely to increase significantly given the number of voluntary registrations to be submitted by public bodies within the 5 (10) year period.

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

The proposed 10% reduction from ad valorem registration fees is regarded as inadequate if public bodies are required to voluntarily register multiple high value assets (in addition to costs incurred relative to title investigation, valuation, plan preparation and survey and legal fees in preparation of applications, such costs necessitated by historical nature of land holding and statutory vesting by function.) In the event of ad valorem fees being imposed (subject only to a 10% reduction) for the purposes of funding the Land Register costs, alternative additional Government funding will require to be sought by public bodies to finance the staff (in-house or external) and outlay costs and registration fees incurred in this process.

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?

Voluntary registration of public estate held by government bodies will necessarily run into difficulties in identification of titles due to historical nature of occupancy (in some instances over centuries); inadequacy of description within Sasine recorded deeds, identification of title to part only of a property, construction upon former road sola or gifting of unrecorded lands for public purposes. There will therefore necessarily be reliance upon Keeper's induced registration post the 5 year period registration process undertaken by the Government public bodies. Such induced registration should be carried out subject to prior consultation with the "Proprietor" for boundary establishment purposes and notwithstanding the Keeper's induced registration, should include part voluntary registration based upon part titles where available.

Keeper's guidance will be required as to whether to approach voluntary registration on an a non domino basis where appropriate or to wait for KIR.

Question 10. Do you agree with the proposed approach to completion?

The approach would appear to be reliant upon compliance with the registration of public land undertaking. As indicated in answer to Question 7, achieving such undertaking will require identification of alternative funding for both preparation of applications and registration fees.

Information as to the content of proposed service level agreements between Keeper and individual public body is required to assess stringency of application requirements to be imposed on public bodies.

Question 11. Have you any views on our proposals for funding the completion of the Land Register?

From knowledge of the complexity of a significant proportion of titles within the Scottish Police Authority Estate (which will be replicated throughout local government, Scottish Water, Scottish Fire and Rescue etc) there is likely to be continuing rectification requirements in respect of both voluntary and KI registration which may require reimbursement of

solicitor's costs incurred by applicants / proprietors. Funding for such reimbursement will require to be identified.