

Fee Review Ref	FRC 008
Name	Ross MacKay (Convener) and Mark Shepherd (Secretary)
Organisation Name	Property Law Committee of Law Society of Scotland
Postal Address	Law Society Of Scotland 26 Drumsheugh Gardens Edinburgh EH3 7YR
1. Are you responding	
as an individual (go to 2a/b)	x
on behalf of a group or organisation (go to 2c)	Yes
2. (a) Individuals Do you agree to your response being made available to the public (in the Scottish Government Library and on the RoS website)?	x
(b) Where confidentiality is not requested , we will make your response available to the public on the following basis.	x
(c) On behalf of a group or organisation The name and address of your organisation will be made available to the public (in the Scottish Government Library and on the RoS website) Are you content of your response to be made available?	Yes
3. We will share your response internally within RoS and with other Scottish Government departments who may be addressing the issues you discuss. They may wish to contact you in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in relation to this consultation exercise?	Yes
Response	
<p>With regard to the fees to be introduced for new products required as a result of the LR Act 2012: As land and charge certificates will no longer be issued under the LR Act 2012 there will be an increasing demand for extracts of the title sheet and cadastral map. Previously lawyers would have relied on the land certificate and updated searches when examining title and in the future they will need an extract of the title sheet and cadastral map to provide information with the same evidential status. Although lawyers can use Registers Direct to look at the title sheet, the information viewed through Registers Direct does not have the same evidential status as an extract. The cost of the land or charge certificate was included in the registration dues but now the owner will need to pay for an extract. The fees of £30 for an extract or certified copy and £16 for a plain copy are too high and we suggest that £15 for an extract and £10 for a plain copy would be more appropriate.</p> <p>In addition there will be a £30 fee for a certified copy of a document in the application record which again seems rather a high charge.</p>	

Certain lease transactions (grant of a new lease, assignation of an unregistered lease and grant of a sublease) trigger first registration of the landlord's title to the area of ground affected by the lease/sublease (section 25). The trigger will be the tenant/subtenant's application to register the lease/sublease. Will there be any requirement for the payment of any additional registration dues in respect of the (head) landlord's title and if so on what basis would the fees be calculated?

With regard to commercial services provided under section 108 of the LR Act 2012:

It would be helpful to get an indication of the level of fees for services such as pre-registration enquiries and the equivalent to the current personal presentment service as soon as possible.

Plans in extracts from the Books of Council & Session:

Currently extracts issued by the Books of Council & Session contain black and white copies only of any lease plans, photographs in schedules of condition etc. One of the reasons for this is that colour copying is much more expensive than black and white. It would be really helpful to be able to obtain extracts with colour copies of any plans or photographs. The Books of Council & Session do offer a service whereby if colour copies of the plans or photographs are sent in these can be slotted in to the extract but sometimes this gets overlooked or the extract is returned with the pages in the wrong order. If there was an option of ordering a colour extract (which would have to be at additional cost) this would be very useful service. Meantime it is noted that members of the legal profession sometimes experience difficulties sorting out who owns what in old tenement titles, without the benefit of coloured plans.

Rejection Fees

With regard to Rejection Fees, introduction of one shot rule is a major change to practice and for an initial period at least will cause a large increase in rejections for technical reasons. Therefore it is strongly urged that there be a delay or 'holiday' in introduction/reintroduction of the rejection fees after the appointed day. This would be of assistance to the legal profession and to Registers of Scotland also.