

Response ID ANON-CEQC-5NF7-V

Submitted to **Digital Transformation: Next Steps**

Submitted on **2017-02-03 14:32:33**

Part 1 - New digital services in the Keeper's registers

1 Do you agree that transition to a digital first service should be the next step?

Yes

Comments:

This is a necessary step forward for Scotland and a chance to be up with there with other digitally enable countries.

2 Do you agree with the proposed timescale of 1 April 2018 for prescribing that advance notices over part be fully digital?

Yes

Comments:

Yes, I see no reason why this cannot be achieved and is sensible.

3 Do you agree with a notice period of six months?

Yes

Comments:

4 Do you agree the initial focus for digital registration, following launch of the digital discharge service, should be provision of channels aimed at standard securities and dispositions?

Yes

Comments:

Yes, it is sensible to do this and ease the profession towards an eventual complete digitalisation of the system.

5 What deed types do you consider we should prioritise for new services subsequent to securities and dispositions?

Comments:

Securities and dispositions will form the bulk of the deeds so, once this is completed, other types of deeds should follow.

6 Do you consider that for the limited purpose of dual recording, it should be permissible to record an electronic deed in the sasine register or should be permissible to record a paper copy of the digital deed?

Comments:

I do not think that one is necessarily better than the other. I suspect that, once introduced, it will become clear what works better.

7 Do you agree that ten working days from the date of digital submission is an appropriate period to allow the prior deeds to be submitted?

Yes

Comments:

Most deeds should be readily accessible to solicitors. They will have had notice ahead of the date of digital submission which should allow any lenders to produce the deeds. That being said, consulting with the lenders to deal promptly with deed requests is probably sensible.

8 Do you have a view on alternative ways you would like to present supporting documents accompanying a digital application?

No

Comments:

The only thing that I would add is that the Books of Council and Session could be set up to accept digital signatures if they created some sort of stamp to allow them to make it clear that a digital signature was applied and that they hold a digital original. There must be some way to make that work.

Part 2 - Digital application form and submission process

9 Do you agree with the main changes that we propose to make to the application form?

Yes

Comments:

It is sensible that the form no longer be dictated by Statute. Registers need to be able to work with the Profession to make the process easier.

10 Are there any other changes you suggest we should make with a view to simplifying it and making it easier to follow?

Yes

Comments:

(a) once you have submitted a return, you should be able to start again with the same details, without the type of deed being locked;

(b) likewise, when you go back to a saved applicaiton form, you should be able to change the deed type / type of transaction if circumstances have changed;

(c) it would be useful to have a "account page" of past submitted applications; and

(d) there seems to be some concern about solicitors properly answering the questions on burdens and servitudes. I believe the form could benefit from asking "are there any valid and subsisting burdens". Then ask the solicitor to name those that are are not. Also, it should probably get them to say what deeds are not relevant (i.e. through passage of time). At least that way, Registers know if proper thought has been given.

11 Do you agree that instead of prescribing the content of the application form in the Land Register Rules, the keeper should publish the land registration application form on an administrative basis so that it can be amended from time to time, following consultation and due notice, without the need for changes to be made to the rules?

Yes

Comments:

I absolutely agree with this, so long as there is consultation with the Profession.

12 Do you agree that this approach should be adopted for both applications submitted on paper and applications prepared through a digital service provided by the keeper?

Yes

Comments:

About You

What is your name?

Name:

██████████

What is your email address?

Email:

████████████████████

Are you responding as an individual or an organisation?

Individual

What is your organisation?

Organisation:

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name) - Individuals only

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: