

## Consultation on Digital Transformation – Next steps

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

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Registers of Scotland (RoS) would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (anonymous) – Individuals only  
 Do not publish response

We will share your response internally with other RoS 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 Registers of Scotland to contact you again in relation to this consultation exercise?

- Yes  
 No

## REGISTERS OF SCOTLAND

### DIGITAL TRANSFORMATION – NEXT STEPS

30 November 2016

The introduction of the *Land Registration etc. (Scotland) Act 2012* (the 2012 Act) laid the foundations for conveyancing and land registration in Scotland to move out of the paper world and into the digital world. Much has already been achieved but the next steps in the journey will require changes to be made to the land register rules, using the regulation-making powers provided for that purpose in the 2012 Act. This consultation focuses on these changes and is in two parts. Part one sets out proposals for the introduction of new digital services in the Land Register; and part two sets out proposals for some consequential changes and other improvements to the land registration application form to support digital submission.

Comments on the proposals set out in this consultation are invited by **22 February 2017**, with a view to new regulations coming into force (subject to the approval of Parliament) later in 2017.

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

We agree that digital first should be the next step and also agree that contingency measures should be put in place to deal with those who will not have access to digital services and for any breakdown in systems.

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

Yes

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

A notice period of six months would be acceptable, provided that the publicity for the launch ensures that all those affected are made aware of the switch over and have been provided with the necessary training and guidance. We would imagine that the Law Society will be involved with Registers to ensure a smooth transition and to educate lawyers on what will be required of them and when.

**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 but care must be taken to make sure that the digital options allow for unusual or complex cases involving, for example, trusts, discharge of burdens or servitudes, creation of liferents, qualification of warrandice. We would also suggest that space be provided for optional clauses which may be used for client / property specific clauses.

The new system should also allow for copies of the information submitted which does not appear in the Title Sheet to be made available to those dealing with the title including, for example, the equivalent of a copy of the deed inducing registration which can be ordered at present.

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

Deeds of conditions should be considered next. Many subsequent applications for registration can depend on a deed of conditions being accepted for registration; late rejection of deeds of conditions causes issues for all parties concerned when deeds have to be re-executed and presented for registration a second time. If the digitalisation of deeds will minimise errors, some of these issues may be addressed.

We would also suggest that servitudes should be prioritised.

**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?**

If dispositions are to be presented in digital form, it should be permissible to record an electronic deed in the sasine register.

**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

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

We would suggest that it should be possible to submit scanned certified copies of supporting documentation. This could be done when the digital application is acknowledged and an application number is available. The e-mail sending the scanned documents could then be referenced and sent to the correct destination at Registers.

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

Yes

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

**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

**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