

PAGE 2: Information about you

Q1: Name

Professor Stewart Brymer OBE, WS

Q3: Are you responding as: (please select below)

an individual

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Q4: Individuals Do you agree to your response being made available to the public (in the Scottish Government library and on the RoS website)?

Yes

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Q5: Where confidentiality is not requested, we will make your response available to the public on the following basis (Please select ONE of the options)

Yes, make my response and name available, but not my email address

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Q6: On behalf of groups or organisations The name of your organisation WILL BE made available to the public (in the Scottish Government library and on the RoS website). Are you content for your response to be made available?

Respondent skipped this question

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Q7: 1. Do you agree with the proposed approach to KIR starting with residential properties in research areas?

Yes

Comment: It is entirely sensible that KIR be commenced with residential properties in research areas. This represents an easy "win" and builds on work already done within Registers.

Q8: 2. Do you agree that we should start KIR in areas that will have the highest impact on completing the land register and supporting conveyancing?

Yes

Comment: Let's not be under any illusion. The target of completing the Land Register is a difficult one to achieve without using something like KIR. I believe that an enhanced version of KIR will be required. Voluntary Registration is good but I do not feel that a 25% discount in registration fees represents a sufficient incentive. Charities are a perfect example.

Q9: Q3. Do you agree that we should work in partnership with the owners of heritage assets to complete registration of their titles by KIR?

Yes

Comment: There is absolutely no reason why this should not be the case. Yes there may be challenges but these can be overcome. Registers needs to work in a broad partnership with many organisations to achieve its annual targets in the lead-up to 2024.

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Q10: Q3. Should land that has entered the land register through KIR be identified differently from a trigger-based or voluntary registration through a note in the property section of the title sheet, and/or a separate field marking the date of keeper-induced registration?

Yes

Comment: I agree with the reasoning above.

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Q11: Q4. Do you agree with the Keeper's general approach to the KIR mapping of legal extent?

Yes

Comment: It is essential that this approach be adopted.

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Q12: Q5. Do you agree with the keeper's proposed approach to incorporeal pertinents?

Yes

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Q13: Q6. Do you agree with the keeper's proposed approach to property titles that include an 'equally and survivor' destination or are held by ex-officio trustees?

Yes

Comment: I suggest that the keeper identify such notes in some form of Action List which would enable her to follow up on the Notes at a later date so as to take steps, with owners, to ensure that the land register is accurate. This is consistent with the overriding objective of making the register transparent.

Q14: Q7. Are there any other circumstances where the sasine register may not show the last person with a completed title?

Insolvency or liquidation perhaps or where a title is still held under an ex facie absolute disposition - but in that case, the legal owner is still shown accurately.

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Q15: Q8. Do you foresee any practical difficulties in narrating a list of the deeds that contain encumbrances, rather than setting out the burdens in full? If so, how could these difficulties be addressed?

No

Comment: While it would be good if full detail were shown, I think that this is as far as the keeper can go with KIR.

Q16: Q9. Do you agree that the keeper should adopt the same approach to listing deeds in the burdens section for triggered registrations with a hyperlink to the text of the deed?

Yes

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Q17: Q10. Are you content with how we plan to communicate KIR?

Yes

Comment: Open communication will spread knowledge and understanding of the benefits of registration.

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Q18: Q11. Do you agree the keeper should produce guidance on the additional information likely to be required at the next transaction after a KIR?

Yes



Registers
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KIR Consultation Survey Response

Comment: No reason why not to. If the keeper holds the information as to why there has been a limitation, this should be made available at the relevant time.