

Response ID ANON-CEQC-5N5S-7

Submitted to **Digital Transformation: Next Steps**

Submitted on **2017-02-20 13:38:15**

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?

No

Comments:

The problem here is that the paper based documents should always be signed and then registered to avoid Solicitors having to become responsible for ensuring that not only did the clients understand the document but also knew about the document. Solicitors are going to require mandates from their clients. Why not just sign the documents?

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

No

Comments:

Online applications can go wrong and you may not find out for some time causing problems for Professional Indemnity Insurance.

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

No

Comments:

The changes are not necessary nor welcome. The documents we are talking about here are the most important ones a client might ever sign.

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?

No

Comments:

These documents are crucial and should always be signed by the clients. How many times already have clients tried to claim they never signed a Standard Security?

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

Comments:

None. Documents of this importance should always be signed by the clients and then registered.

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:

No. The document should be properly recorded/registered in all appropriate registers and against all titles simultaneously.

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?

No

Comments:

Why would you ask for paper copies of prior writs if you did not ask for anything else?

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

No

Comments:

There is nothing wrong with the present system.

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:

The form should be simpler but why does it have to be signed and sent in if you want to go paperless?

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

No

Comments:

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?

No

Comments:

The Land Registration Rules provide for a degree of restriction as to what can be done.

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?

No

Comments:

As above

About You

What is your name?

Name:

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What is your email address?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Cameron Pinkerton & Co

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

Publish response with name

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?:

Slightly dissatisfied

Please enter comments here.:

This proposal has already been put to the profession as ARTL. Although electronic registration of Discharges is welcome there is no need to go further. As already indicated why should Solicitors have to get a mandate to then be able to sign off documents on behalf of clients when the documents given the level of their importance should just be signed by the clients. Are Lenders really happy about Standard Securities being created this way?

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

Slightly dissatisfied

Please enter comments here.:

The consultation seems to be leaning towards a done deal. I just hope the concerns of the Legal Profession and their Insurers will be considered properly.