

## KIR Consultation Survey Response

### PAGE 2: Information about you

**Q1: Name:** andrew gray muir

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

an individual

### PAGE 3

**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

### PAGE 4

**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*

### PAGE 16

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

Yes

**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

**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

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**Comment:** I strongly dislike the route by which KIR can be completed without the owner knowing and indeed being given a chance to comment

### PAGE 19

**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

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**Comment:** Probably although if the owner had been given the chance to comment before finalisation then I doubt whether that is necessary

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

Yes

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

Yes

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**Comment:** Yes BUT if the owner was advised what was happening before it was finalised this problem would either disappear or be much less significant

### PAGE 25

**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?**

No

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**Comment:** Well it is obvious that this will be affected where links in title are necessary. Again if the owner was warned this problem would be reduced

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

*Respondent skipped this question*

### PAGE 27

**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?**

Yes

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**Comment:** I thought that it was proposed that Section D summarises burdens with a link to the relevant deed. This seems most sensible. Is any consideration being given to the effects of the proviso in Sec 13 of the TC (S) Act 2003? These are very common.

**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?**

See above

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

No

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**Comment:** The owner MUST be warned before finalisation. Apart from anything else it is very bad for public relations - RoS would be seen as Big Brother imposing their views on the owner

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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