



**Registers
of Scotland**
ros.gov.uk

Registers of Scotland

Framework Document

26 May 2020

Introduction

1. This Framework Document has been agreed between the Scottish Ministers and the Keeper of the Registers of Scotland (the Keeper). It sets out the roles and responsibilities of the Keeper, the Registers of Scotland (RoS) Accountable Officer, the Scottish Ministers, the Lord President of the Court of Session and the relevant Director General in the Scottish Government. It also sets out RoS' governance and financial arrangements.

RoS' status and functions

2. RoS is a Scottish Public body and is categorised as a Non-Ministerial Office (NMO). RoS is headed by the Keeper, who is a non-ministerial office-holder in the Scottish Administration and the Chief Executive of RoS. The principal legislative provisions underlying the functions of the Keeper are set out in Appendix 1.

3. RoS' function is to maintain the public registers for which the Keeper is statutorily responsible and make the information they contain publicly available. A list of all the public registers for which the Keeper is currently responsible is set out in Appendix 2.

Purpose and objectives

4. RoS provides Scotland's citizens and institutions with the social and economic benefits that flow from a publicly guaranteed system of rights in land and property. RoS' purpose is to support the Scottish economy for the benefit of the people of Scotland.

5. RoS' strategic objectives are set out in its corporate plan and are reviewed regularly. By working to meet these strategic objectives, RoS contributes to the Scottish Government's purpose and objectives, and plays its part in delivering national outcomes.

Role of the Keeper

6. The Keeper is responsible for the efficient and effective operation of RoS, for leading its staff, and for the statutory functions placed upon the Keeper in relation to the management, control and maintenance of the various public registers set out in Appendix 2, and such other registers which will be prescribed by Act of Parliament. The Keeper is not subject to the direction of the Scottish Ministers in relation to the exercise of the Keeper's statutory functions.

7. In addition to the responsibilities provided for in statute, the Keeper may provide consultancy, advisory and other commercial services that need not relate to the law and practice of registration. The provision of these services is on a commercial basis, the terms and fees for which are published.. To provide these services, the Keeper may form or participate in the forming of a body corporate or other entity, or purchase or invest in such a body¹.

8. RoS also produces official statistics on land and property in Scotland including the UK House Price Index. The statistics are based on data received through the registration process and produced in line with the principles set out in the Code of Practice for Statistics.

9. To assist Revenue Scotland the Keeper is also responsible for ensuring, where a document effecting or evidencing a transaction that is notifiable for land and buildings transaction tax is presented for registration, that the application for registration is not accepted unless a land transaction return has been made in relation to the transaction and any tax payable in respect of the

¹ This reflects the statutory provision in section 108 of the Land Registration etc. (Scotland) Act 2012 and is, where applicable, subject, amongst other things, to competition law and OFT guidance; procurement law and guidance; the Scottish Public Finance Manual.

transaction has been paid.

10. The exercise of the Keeper's statutory functions is subject to the available statutory forms of appeal to the courts (for example, an appeal may be made to the [Lands Tribunal for Scotland](#), on a question of fact or on a point of law, against any decision of the Keeper in respect of the operation of the land register) and may be subject to the jurisdiction of the [Scottish Public Services Ombudsman](#). Other functions of the Keeper are subject to judicial review of administrative actions by the Court of Session.

11. The Keeper must also:

- achieve such financial objectives as are determined by the Scottish ministers from time to time
- prepare for each financial year accounts of expenditure incurred in the fulfilment of the Keeper's functions, and income received
- arrange for an audit of the annual accounts by the Auditor General for Scotland in the appropriate time period
- lay RoS' annual report and accounts before the Scottish parliament, and arrange for their publication
- deal with freedom of information requests and data protection subject access requests
- promote the efficient, economic and effective use of staff and other resources by RoS, consistent with the principles of best value, including, where appropriate, participation in shared services arrangements

12. The Keeper chairs the non-statutory/advisory RoS Board, the role of which is to provide constructive challenge and strategic advice to the Keeper. The board consists of the Keeper and executive and non-executive Directors who are appointed by the Keeper. Its membership and role are set out in Appendix 3.

Role of the RoS accountable officer

13. The RoS Accountable Officer is appointed by the Permanent Secretary of the Scottish Government (as Principal Accounting Officer), in accordance with the terms of the Public Finance and Accountability (Scotland) Act 2000. (The Principal Accounting Officer may only designate a member of the staff of the Scottish Administration as the Accountable Officer; therefore, it is not possible for the Keeper, as the holder of an office in the Scottish Administration, to exercise the functions of Accountable Officer.)

14. The RoS Accountable Officer is personally responsible for the safeguarding of public funds, for ensuring propriety and regularity in the handling of those funds, and for ensuring that RoS complies with the requirements of the [Scottish Public Finance Manual](#) (SPFM). The full range of responsibilities of the Accountable Officer is set out in the Memorandum to Accountable Officers for Parts of the Scottish Administration, published in the SPFM.

15. The RoS Accountable Officer may consult with the relevant Director General (DG) (as portfolio Accountable Officer) on any aspect of the duties applying to Accountable Officers in the Scottish government and will consult the DG on any action which that person considers is inconsistent with their duties on financial, regulatory or propriety grounds and specifically where they seek a written authority from the Scottish Ministers in terms of the SPFM or a direction from the Keeper.

Role of the Scottish ministers

16. The Scottish ministers have a number of powers and duties in relation to the discharge of the Keeper's functions. In particular:

- with the consent of the Lord President of the Court of Session, to appoint the Keeper, and to determine the terms and conditions of service
- taking account of RoS' income and expenditure, to set financial objectives for the Keeper

- to make, by Scottish Statutory Instrument (SSI), provision as regards information to be made available by the Keeper and the manner in which that information is made available
- to make, by SSI, provision as regards access to any register under the Keeper's management and control
- to set or authorise, by SSI, after consultation with the Keeper, the fees payable in relation to: registration, recording or entering in any register under the Keeper's management and control and statutory access to such a register
- to make, by SSI, after consultation with the Keeper, land register rules in relation to the making up and keeping of the land register and regulating the procedure in relation to applications for registration and other matters
- to make, by SSI, after consultation with the Keeper, regulations to enable the electronic registration of valid electronic documents in any register under the Keeper's management and control
- to make, by SSI, after consultation with the Keeper, provision for a digital system that will allow for the creation of electronic documents, the electronic generation and communication of applications for registration in the land register, and for automated registration in the land register
- to prescribe, by SSI, after consultation with the Keeper and other interested persons, that the recording of a deed in the General Register of Sasines will not have effect, thus closing the register to such a deed. The instrument can make provision for the closure of the register in a phased manner
- to make, by SSI, regulations as to the methods of operating the General Register of Sasines, including the manner of recording a deed and the medium in which deeds may be recorded
- to make, by SSI, after consultation with the Lord President of the Court of Session, rules prescribing the form of application for recording of a deed and regulating the procedure relating to applications for recording in the General Register of Sasines

17. The Scottish Ministers and the Keeper are committed to the aim of good, open and proactive two-way communications, especially where the work of one has any bearing upon the responsibilities of the other. Each will ensure that the other is informed in advance of any significant announcements or publications that may affect the other's policies or operations.

18. The Scottish Ministers will look to the Keeper for advice on policy and operational issues related to land registration and to the registers under the Keeper's control or which may come under the Keeper's control.

Role of the Lord President of the Court of Session

19. The Lord President's consent is required to the appointment of the Keeper.

20. In addition to those matters where the Lord President must formally be consulted, the Court of Session may make provision, by Act of Sederunt, in relation to certain matters concerning the General Register of Sasines, such as arrangements for the transmission of the register volumes to the Keeper of the Records of Scotland.

Role of the Scottish government director general

21. The relevant Director General (DG) (currently the DG for Organisational Development and Operations) is responsible for ensuring that effective working relationships are maintained between RoS and Scottish Ministers. The DG will also promote organisational alignment between RoS and the Scottish government as appropriate, by ensuring that:

- the Keeper and RoS board are aware of strategic developments and corporate decisions that may affect RoS
- RoS' strategic aims and objectives are aligned to the Scottish Government's purpose and the national outcomes set out in the [National Performance Framework](#)
- the position of RoS is taken into account in relevant Scottish Government policy decisions, and that the Scottish government has due regard for advice provided by the Keeper
- an appropriate framework document is in place, and is maintained

22. The relevant DG (as Portfolio Accountable Officer with responsibility for propriety and good management in financial and management controls across the portfolio):

- may consult with the RoS Accountable Officer on any aspect of that person's duties in terms of the Scottish Public Finance Manual (SPFM)
- will provide guidance in any matter where the RoS Accountable Officer seeks advice in relation to a written authority from Scottish Ministers in terms of the SPFM
- will provide guidance to the RoS Accountable Officer on any matter that would require a direction from the Keeper

23. Other DG responsibilities include:

- supporting Scottish Ministers in the discharge of their duties in respect of RoS

- providing support and constructive challenge to the Keeper and Accountable Officer to ensure that RoS is high performing and continuously improving
- ensuring, where necessary, that appropriate core Scottish Government corporate services are available to support and facilitate the work of RoS
- ensuring RoS is taking steps to improve its operating efficiency, including through participation in collaborative procurement and shared service arrangements
- line management of the Keeper , as a senior civil servant, including carrying out the Keeper's performance appraisal

Financial planning and control

24. RoS income and expenditure budget is agreed by the Scottish Parliament as part of the Scottish Consolidated Budget. RoS is responsible for preparing and managing its budget for each financial year. RoS must comply with the rules under the Scottish Consolidated Fund and the Scottish Governments' in year budget monitoring and management procedures.

25. Scottish Government must ensure that funding is provided to cover (i) compensation payments, including the Keeper's warranty; and (ii) costs in years where expenditure exceeds income.

26. Compensation payments including the Keeper's warranty are paid from the Scottish Consolidated Fund. It is the Keeper's responsibility as an independent non-ministerial office-holder to determine the level of compensation payment for claims. This responsibility includes out of court settlements, and implementing the outcome of a judicial ruling in the event that a case has been to court. RoS report compensation payments to the Scottish Government via the monthly accounts monitoring process.

27. RoS also sets out a scheme of delegated authority by which financial and management responsibilities are cascaded to appropriate levels within the organisation. The scheme of delegation, which reflects the requirements of the SPFM, is reviewed by the RoS board each year and reported in board minutes, which are published on the RoS website.

28. RoS has established and will maintain appropriate financial procedures in accordance with the principles of the SPFM and will ensure that appropriate counter-fraud, anti-bribery arrangements, IT security and whistle-blowing policies are in place in accordance with this guidance.

29. RoS has established internal audit mechanisms in accordance with the objectives and standards laid down in the Government Internal Audit Manual.

30. RoS is subject to external audit by the Auditor General for Scotland (AGS) or by auditors appointed by the AGS.

31. Scottish Government reimburses the Keeper for expenditure incurred around agreed development and ongoing support costs relative to the Scottish Landlord Register and the Scottish Letting Agent Register.

32. The funding for the creation and maintenance of any new Registers for which the Keeper will have statutory duties is provided by the Scottish Government, or relevant funding body.

Corporate and business planning

33. RoS produces a corporate plan, which demonstrates RoS' alignment to the Scottish government national performance framework, national outcomes and economic strategy. It is placed in the Scottish Parliament Information Centre and is published at the start of each financial year.

RoS audit and risk committee

34. RoS' internal and external audit work is overseen by its audit and risk committee, which is a non-executive committee of the RoS board and is chaired by a RoS non-executive director. Its terms of reference are set by the board.

RoS staff

35. RoS staff are civil servants and are required to adhere to the standards set out in the Scottish Government's Civil Service Code. They are part of the Scottish Administration and are assigned by the Scottish Ministers to the Keeper to enable the exercise of the Keeper's functions. RoS staff act under the direction of the Keeper.

36. The Keeper and Accountable Officer are also civil servants and are members of the senior civil service. Their terms and conditions, remuneration and development are the responsibility of the Scottish government.

37. RoS has the authority to determine: the terms and conditions relating to staff remuneration (excluding pensions) within the parameters set by Scottish Ministers for public sector pay; and other working arrangements in the interests of the efficient and effective management of RoS.

38. RoS is responsible for determining its organisational and management structure and the numbers and levels of staff. It is also responsible for ensuring that staff recruitment arrangements are fair, open and transparent, meeting the requirements of the Civil Service Commission's Recruitment Principles.

39. RoS is responsible for the terms and conditions of all RoS Staff (except for those in the senior civil service) including, management, ability to make promotions, deal with inefficiency, performance, conduct, capability and all other disciplinary and grievance matters, grading, job evaluation, equal opportunities including diversity and inclusion, wellbeing and health and safety.

40. RoS is responsible for ensuring there are adequate organisational development and human resource management arrangements in place. RoS aims to offer its staff rewarding career opportunities and is committed to fostering career development, diversity and equal opportunities.

41. RoS' staff are eligible to apply for posts in the Scottish government and across common citizenship organisations in the Scottish administration. Scottish government and common citizenship organisations' staff are eligible to apply for posts in RoS.

42. RoS is committed to effective communication with its staff and staff representatives and is responsible for promoting and supporting effective employee relations.

43. RoS is responsible for the health and safety and security of staff and visitors to its premises.

Risk management

44. RoS shall ensure that effective arrangements are in place to provide assurance on risk management of threats and opportunities (including in respect of personnel, physical and cyber risks/threats/hazards), governance and internal control. RoS will have robust performance and risk management arrangements - consistent with the [Risk Management](#) section of the SPFM - in place that support the achievement of their aims and objectives and that facilitate comprehensive reporting. Risk management arrangements should include full consideration of organisational resilience to physical, personnel and cyber risks/ threats/hazards.

Organisational security and resilience

45. As part of risk management arrangements, RoS shall ensure that it has a clear understanding at board level of the key risks, threats and hazards it may face in the personnel, physical and cyber domains, and take action to ensure appropriate organisational resilience to those risks/threats/hazards. It should have particular regard to the following key sources of information to help guide its approach:

- [Having and Promoting Business Resilience \(part of the Preparing Scotland suite of guidance\)](#)
- [The Scottish Cyber Resilience Framework and Public Sector Action Plan](#) and associated guidance.

Freedom of Information

46. RoS has adopted the Model Publication Scheme produced by the Scottish Information Commissioner.

Fairer Scotland duty

47. RoS shall actively consider how it can reduce inequalities of outcome caused by social-economic disadvantage when making strategic decisions. RoS will publish a written assessment, standalone or integrated, showing how it has actively considered what more it can do to reduce inequalities of outcome in any major strategic decision made.

Public Body Reporting and Publication Requirements

48. RoS will have due regard to the various public body reporting and publication duties placed on RoS by primary and secondary legislation, and have responsibility for compliance.

Scottish Public Services Ombudsman

49. RoS' activities may be subject to investigation by the Scottish Public Services Ombudsman (SPSO). RoS will maintain a complaints and appeals procedure that complies with the statement of principles published by the SPSO and will publish it on its website.

RoS and the Scottish Parliament

50. Members of the Scottish Parliament (MSPs), through Parliamentary Questions, may ask the Scottish Ministers about their own relations with the Keeper and Ministers will answer such questions. However, the Scottish Ministers are not accountable for the Keeper's operations and where questions are asked about matters that are the responsibility of the Keeper, the Minister's answer will state this position and refer the MSP to the Keeper.

51. Should the Scottish Ministers receive correspondence about the Keeper's operations, this will

be forwarded to the Keeper for an appropriate response.

52. The Keeper, the RoS Accountable Officer or, where appropriate, members of RoS' staff, will give written or oral evidence to committees of the Scottish Parliament when invited or appropriate to do so. The Scottish Parliament has the power to require the Keeper, the RoS Accountable Officer, or any member of RoS staff to attend a parliamentary committee.

Review of framework document

53. This Framework Document will be reviewed at least triennially. Changes may be proposed by the Keeper or the DG before a review in the light of experience or changed circumstances.

54. Copies of this Framework Document, and of any subsequent editions, will be published and placed in the [Scottish Parliament Information Centre](#) and on the [RoS website](#) and will form part of the RoS publication scheme under freedom of information provisions.

55. Any enquiries about this framework document should be addressed to:

RoS Secretariat
Registers of Scotland
Meadowbank House
153 London Road
Edinburgh
EH8 7AU

Email: rossecretariat@ros.gov.uk

26 May 2020

Legislation providing a statutory background for the functions of the Keeper:

Registration Act 1617
Public Records (Scotland) Act 1809
Act of Sederunt 10 July 1811
Land Registers (Scotland) Act 1868
Titles to Land Consolidation (Scotland) Act 1868
Judgments Extension Act 1868
Conveyancing (Scotland) Act 1924
Public Registers and Records (Scotland) Act 1948
Land Registration (Scotland) Act 1979
Civil Jurisdiction and Judgments Act 1982
General Register of Sasines (Scotland) Act 1987
Scotland Act 1998 (Section 38(1))
Public Finance and Accountability (Scotland) Act 2000 as amended by the Public Services Reform (Registers of Scotland) Order 2020
Land Reform (Scotland) Act 2003
Agricultural Holdings (Scotland) Act 2003
Nature Conservation (Scotland) Act 2004 (Section 22)
Anti-Social Behaviour (Scotland) Act 2004.
Equality Act 2010
Crofting Reform (Scotland) Act 2010
Land Registration etc. (Scotland) Act 2012
Scotland Act 2012
Land and Buildings Transaction (Scotland) Act 2013
Revenue Scotland and Tax Powers Act 2014
Housing (Scotland) Act 2014
Community Empowerment (Scotland) Act 2015
Land Reform (Scotland) Act 2016
Budget (Scotland) Act 2019, and subsequent Acts and amendment Orders

List of public registers in respect of which the Keeper of the Registers of Scotland exercises responsibilities:

Land Register of Scotland
General Register of Sasines
Register of Community Interests in Land
Crofting Register
Register of Deeds and Probative Writs in the Books of Council and Session
Register of Inhibitions and Adjudications
Register of Judgments
Register of Protests
Register of Sites of Special Scientific Interest
Register of the Great Seal
Record of the Cachet Seal
Register of the Quarter Seal
Register of the Prince's Seal
Scottish Landlord Register
Scottish Letting Agent Register
Register of Applications by Community Bodies to Buy Land

The following registers remain under the Keeper's control but are no longer in use:

Register of Service of Heirs
Register of Crown Grants
Register of Sheriffs' Commissions
Register of Hornings

The RoS board

The members of the board are:

- Keeper (chair)
- accountable officer
- business development director
- corporate director
- registration and policy director
- non-executive directors

The head of finance and head of communications will attend as required to provide advice.

Executive members may arrange for a substitute to attend on their behalf when the need arises. However, any substitutes will be 'in attendance' and will not form part of the quorum. In the Keeper's absence, the accountable officer will act as chair.

The board is provided with secretariat services by the__RoS secretariat (email rossecretariat@ros.gov.uk).

Why does the board have non-executive directors?

The board's non-executive directors are there to:

- provide an external perspective on RoS' work
- bring constructive challenge
- help develop proposals on strategy
- bring specific expertise to discussions

What is our role?

The board's role is to provide strategic advice to the Keeper. The main focus of our work is:

- setting and communicating RoS' vision and values
- setting strategy and objectives for RoS and ensuring that the necessary financial, human IT and physical resources are in place to deliver them
- setting a framework of prudent and effective controls that enables risk to be assessed and managed
- monitoring and improving RoS' performance

How do we work?

We meet at least quarterly. A minimum of half of the board members need to be present for our meetings, either in person or by suitable digital connectivity to be deemed quorate. The quorum must include two non-executive directors and either the Keeper or the accountable officer.

We may ask other staff from RoS or from outside RoS to attend to assist us with our discussions on any particular matter.

Our work is planned by means of a rolling annual agenda. A draft agenda is issued to EMT members at least two weeks in advance of each meeting and papers are normally circulated a week in advance. Board members who wish to put forward agenda items should do so at least ten working days before a meeting. Papers for meetings must also be submitted ten working days before a meeting. A record of the decisions made and the agreed action points is circulated within a week of the meeting. Board minutes are also made available within four weeks and are placed on the RoS website and intranet once they have been agreed at a subsequent board meeting.

What about sub committees?

The board is supported by:

- 1) the executive management team (chaired by the accountable officer), which is responsible for leading and undertaking the operational management of RoS
- 2) the audit and risk committee (chaired by a non-executive director), which supports the board and the accountable officer in their responsibilities for issues of risk, control and governance and associated assurance through a process of constructive challenge
- 3) such other sub groups as the board considers are necessary

How can staff engage in board business?

A variety of staff members are involved in preparing papers for the board and will be invited to attend to present their paper or give background information on the issue. Staff can feed in comments on board business either through their team leaders, their director or the RoS secretariat.

Performance assessment

We will assess annually our performance as a board with the intention of continuously improving our effectiveness. In addition, we will use a system of peer review in board meetings for ad hoc improvement feedback.

