

CRWIA Stage 1

Screening - key questions

(Hyperlink will only work within SG)

1. Name the policy, and describe its overall aims.

The Registers of Scotland Fees Consultation 2020

Registers of Scotland (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. RoS' function is to maintain the public registers for which the Keeper is statutorily responsible and make the information they contain publicly available.

Further information on how RoS operates is set out in its [framework document](#).

RoS's work is demand-led, in response to activity primarily in the property market. Its work is self-financing and is funded from the fees it charges. RoS income is generated from charging fees for both statutory and non-statutory activity. Fees have remained unchanged since 2011, with minor exceptions.

The full financial impact of the measures necessitated by the Coronavirus pandemic is not yet known, but RoS's predictions anticipate that there will be at least some impact on the housing market and therefore RoS's revenues. Statutory registration fees, mainly generated by transfers of property, account for approximately 90% of RoS's revenue. Applications to the Land Register are currently predicted to be up to 35% lower than forecast in our corporate plan for the remainder of the financial year, with other registers similarly affected. The hiatus in the housing market and its ongoing recovery is not something that RoS can influence directly.

Statutory responsibility for the setting of fees charged by RoS lies with Scottish Ministers. This consultation is being undertaken on their behalf and with their authority.

Fees must be charged in accordance with the requirements of the Scottish Public Finance Manual and in accordance with the powers set out in section 110 of the Land Registration etc. (Scotland) Act 2012. The Scottish Public Finance Manual sets out that the standard approach for setting charges and fees is full cost recovery.

RoS has introduced significant technological and business changes to minimise the impact of the lockdown on the housing market and maximise its ability to continue to generate revenue during the crisis. RoS reviewed and implemented where possible all opportunities to manage income and expenditure.

Efficiency improvements in systems and processes have enabled RoS to absorb increases in its operating costs within the existing fees structure until now. However, current forecasts of future income and expenditure show that RoS needs to increase fees if it is to recover its costs over the next five years.

The combination of increased staff costs, the investment required to develop new modern systems of registration and the downturn in the market following the Coronavirus pandemic taken together mean statutory fees now need to be increased to reflect RoS's costs.

2. What aspects of the policy/measure will affect children and young people up to the age of 18?

The Articles of the UNCRC and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014 apply to all children and young people up to the age of 18, including non-citizen and undocumented children and young people.

To determine whether the proposed amending fees order will have an impact on different age groups, Registers of Scotland has undertaken an Equality Impact Assessment.

As part of the assessment, it was identified that the proposals are unlikely to affect different age groups.

Furthermore, the policy proposals were further reviewed against the Articles of the UNCRC and the child wellbeing indicators under the Children and Young People (Scotland) Act 2014. Based on that, it was concluded that no specific aspects of the proposals are expected to affect children and young people up to the age of 18.

3. What likely impact – direct or indirect – will the policy/measure have on children and young people?

'Direct' impact refers to policies/measures where children and young people are directly affected by the proposed changes, e.g. in early years, education, child protection or looked after children (children in care). 'Indirect' impact refers to policies/measures that are not directly aimed at children but will have an impact on them. Examples include: welfare reforms, parental leave, housing supply, or local transport schemes.

In considering the impacts which the proposals will have on children and young people under the age of 18, Registers of Scotland looked at the articles of the UNCRC. Relevant article identified was:

- **Article 27 – Adequate standard of living** – whereby reliable and affordable heating systems will help to provide children with a warm home where the standard is supporting their physical, mental and social development.

The proposals will not have any direct impact on children and young people as the proposed fee increases will be met mainly by those transacting with heritable property. Heritable property is typically owned by adults. There is likely to be no or limited indirect impact on children or young people.

Whilst parents, caregivers or others with responsibility for children may pay more to register deeds, the increase is considered small in relation to other costs associated with purchasing property. Registration fees form part of the overall costs of moving home, with consumers also requiring to pay estate agent fees, solicitor fees, removal fees and other costs, and therefore the duty under Article 27 is not considered to be considerably adversely impacted.

4. Which groups of children and young people will be affected?

Under the UNCRC, 'children' can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance: e.g. preschool children, children in hospital, children in rural areas, looked after children, young people who offend, victims of abuse or exploitation, child migrants, or children living in poverty.

No specific groups of children are expected to be affected by the proposals. The parents or caregivers of children living in poverty may be less likely to purchase property and therefore incur the costs of paying registration fees.

5. Will this require a CRWIA?

Explain your reasons.

No. The proposals do not contain any measures which will have a direct impact on children and young people under the age of 18. Although some indirect impacts have been identified, these were very limited.

CRWIA Declaration

Tick relevant section, and complete the form.

CRWIA required

CRWIA not required

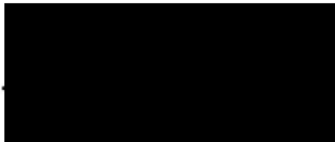
X

Authorisation

Policy lead

Kaira Falconer
Head of Compensation and Litigation, Policy
Unit
Registers of Scotland

.....
Date


20/1/21

Deputy Director or equivalent

Jennifer Henderson
Keeper and Chief Executive
Registers of Scotland

.....
Date


20/1/21