

KIR Consultation Survey Response

PAGE 2: Information about you

Q1: Name: elizabeth bodman

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

PAGE 5

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

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?

No

Comment: if the same due diligence is to apply to registration and investigation of title what is advantage to making it known that it was KIR

PAGE 22

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

No

Comment: If no solicitor is to be involved the scope for major errors in title area seems to high a risk to take, what indemnity will ROS provide should title be found to be incorrect say on a subsequent sale,if there is limited warranty and the landowner needs legal representation who will foot the bill for legal fees?

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PAGE 24

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

Yes

Comment: with reservations , servitudes especially on rural properties need to be carefully investigated and I am not sure the comments above offer enough of a protection

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?

Yes

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?

No

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 there must be easy access to the text of the relevant deed , a safeguard should be in place where a title is being investigated to flag up if link to the text has not been accessed

PAGE 28

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

Yes

Comment: will there be provision for public to know where KIR is being rolled out and will owners still be able to opt out of KIR

PAGE 29

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

Comment: Because KIR is being done without owners having legal representation it would appear that the first dealing/sale after KIR could throw up certain problems which could hold up or potentially affect a sale proceeding