

PAGE 2: Information about you

Q1: Name: Stuart Paterson

Q2: Email address

stuartp@mad-law.co.uk

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, name and email address all available

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?

No

Comment: This is very much picking the low hanging fruit. With the additional triggers which have been introduced such as voluntary registration and the closure of the GRS to transfer deeds and soon to Standard Securities the registration of these properties will be increased without the need for KIR. It is the registration of these properties which the Keeper should be engaging with the legal profession to have registered by offering free or discounted Plans Reports which lead to a voluntary registration as well as a flat fee for voluntary registrations. This would allow the Keeper to maintain a revenue stream and allow solicitors to communicate the advantages of voluntary registration to their clients. The Keeper should concentrate on the time consuming and detailed task of registering large rural and estate titles and as the 10 year target approaches look again at the residential areas.

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?

No

Comment: I do not believe that a County by County approach is the best approach. I think KIR is an excellent idea but that it should be targeted by land mass rather than by the highest concentration of titles.

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

Comment: The time and costs associated with this and highlighted by the consultation may be considerable but will be necessary for the completion of the Land Register. Given the time consuming nature of these titles it is hard to fathom why these titles would not be the first ones to be dealt with

KIR Consultation Survey Response

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

Comment: This will provide clarity when examining Title Sheets and will give the legal profession assistance in how title is noted. Many volume conveyancers will not, on a balance of risk, investigate a registered title on the basis that it has already been inspected by a solicitor. They may change their approach for KIR cases.

PAGE 22

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

Yes

Comment: I agree in general but on the proviso that the relevant proprietors are notified of any overlap and have the opportunity to make submissions

PAGE 24

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

Yes

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?

There are circumstances in which this may be the case most commonly perhaps where a docquet to Confirmation has been used to transfer property. Other unrecorded links in title are less common but will still exist.

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

Comment: The beauty of a Land Certificate and now Title Sheet is that all the title information is contained in one document which can be read with relative ease and is easily referred to. To include hyperlinks to old barely readable documents would seem to be a step backwards rather than forwards

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?

I do not see the merit or benefit in this approach

PAGE 28

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

No

Comment: I think a draft Title Sheet should be prepared for approval within a set timeline by the individual proprietor(s) which will allow them time to consult their solicitor who can review the draft and advise accordingly. The general public need to be educated about what is happening and the educators should be their solicitors.

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