

EQUALITY IMPACT ASSESSMENT RECORD

Title of policy/ practice/ strategy/ legislation etc.	Registers of Scotland Fee Review 2020 Consultation	
Minister	Ivan McKee	
Lead official	Kenny Crawford	
Officials involved in the EQIA	name	Team
	Kaira Falconer Stephen Bennett	Policy Unit HR
Directorate: Division: Team	Registers of Scotland	
Is this new policy or revision to an existing policy?	Revision to an existing policy	

Screening

Policy Aim

Registers of Scotland (RoS) charges fees for products and services supplied to carry out its statutory responsibilities. The last time these fees were increased was 2011. Despite increases in its operating costs, efficiencies made through adopting technology and improved ways of working has enabled RoS to operate within the provisions of the Scottish Public Finance Manual (SPFM) without increasing fees. A further explanation of RoS rational for increasing fees can be found [here](#).

Due to current market conditions and changes to RoS' operational structure it is no longer able to absorb increases in costs from reserves. A fee increase is required to reduce drawdown on the Scottish Consolidated Fund for this financial year and the next. The desired outcome is to get RoS to a cost-recovery position as quickly as possible as set out in the SPFM.

RoS launched a public consultation on 26th October 2020 outlining the proposal to raise some of the fees. The consultation closed on 24 December 2020, in total 44 responses were received. The analysis of the consultation responses can be found [here](#).

This relates to the National Outcome of Fair Work and Business.

Who will it affect?

The increase in fees will affect almost all customers including protected characteristic communities across Scottish society.

Anyone who purchases a property and wishes to register it (registration is expected in almost all purchases) requires to pay registration fees to Registers of Scotland as a condition of registration.

Most of the fees for registration in the Keeper's other registers will also be increased. Registration fees are calculated on the value of the property and there are twelve increments by which that fee can rise, with lower-value properties attracting lower fees. Fees for registration of other deeds such as standard securities (mortgages) are charged at a flat rate.

In October 2020 the Keeper exercised her statutory power to increase most of her registration fees by £10 on a temporary basis. The following are examples of how our fees will be impacted should the proposed further fee increase become law in 2021:

- a. The fee for registration of a property valued at £195,000 will rise by a further £10 to £260.
- b. The fee for registration of a property valued at £3,000,000 will rise by a further £290 to £3,300.
- c. The fee for an advance notice will remain at £20.
- d. The fee for registration of a document in the Registration of Inhibitions will remain at £25.
- e. The fee for registration of a Standard Security will rise by a further £10 to £80.

Within the overall context of professional fees and services associated with the transfer of property, the proposed increases are relatively small. Registration fees for registration of deeds transferring property are charged on a tiered system with the fees paid by those paying less for property are charged less than those buying higher-value properties. The tiered system has been in place for a number of years, with higher fees and higher increases to these fees borne on higher value properties.

Anyone wishing to find information through Registers of Scotland's online system will not be subject to a fee increase. We propose the fee for each title to remain at £3 plus VAT.

As a registrar, RoS cannot influence property ownership and property prices. RoS requires to recover its costs through registration fees for the services it provides in accordance with the SPFM. In order to remain compliant with those obligations, RoS must increase its fees to return its finances to a cost-recovery model.

Given the cost of property, and the total of the other costs associated with moving home as described above, and although the proposed fee increase will increase the cost of moving home, the proposed increases will not significantly or materially increase the overall costs of moving home.

What might prevent the desired outcomes being achieved?

Our desired outcomes are:-

1. To remove the £30 fee charged to all customers when an application is rejected.
2. To put RoS back onto a cost-recovery basis as required by the SPF Manual by raising most of our other statutory fees.
3. To continue to invest in our products and services to enable further digitalisation, making our products and services more accessible and easier to use.

If we are unable to vary our fees as planned then the above outcomes may not be realised.

Stage 1: Framing

Results of framing exercise

As discussed above, anyone who wishes to register a deed or use any other of our services must pay a fee.

The policy underpinning the framework by which our fees are set is largely unchanged by the fee consultation proposals, with fees to register transfer deeds still being charged a fee depending on the value of the property. Therefore, people purchasing cheaper homes will continue to pay lower registration fees than people who are purchasing the most expensive homes. The burden of increased costs is placed more on higher value fees, thus keeping fees as low as possible for those purchasing properties below or around the average property price.

Information required in order to effect registration in the property registers is provided on the application form. The application form provides no information on any protected characteristic except for sex, which is indicated by a prefix and its completion is optional. RoS is therefore unable to assess the impact of a fee increase on any individual or group possessing any protected characteristics on the basis of the information contained in our registers alone.

As part of the consultation launch, we also contacted Homes for Scotland and Citizens Advice Scotland to alert them to the consultation and invite them to respond. None of the responses received as part of the consultation indicate any direct or indirect impact on protected characteristics.

To understand any potential discrimination on protected characteristic groups, we consulted directly the Glass Network (a LGBT+ group of solicitors), the Scottish Ethnic Minorities Lawyers Association, Women In Law Scotland, Capability Scotland and Age Scotland. We also consulted the RoS Carers' Network, LGBT+ Network group, Modern Apprentices' group which comprises of younger people and RoS's Equality Diversity and Inclusion working group to take their views on the proposals.

RoS Carers' Network and Capability Scotland advise that any increase in fees for home-owning benefits-dependent people would have an adverse effect, but the responses did not quantify the impact of that effect. Capability Scotland advise that most of the people they support will not be affected by the proposals as they do not own property.

We did not receive responses from any of the other groups consulted.

Extent/Level of EQIA required

RoS is committed to promoting equality of opportunity. Registration fees for deeds transferring title to property are charged depending on the value or the amount of money paid for the property. By raising the level of fee paid over 12 different tiers, this ensures that applicants pay a fee which is considered fair and proportionate to the value of the property transferred.

After consulting, we have not identified any discrimination. We consider that the fees rise will have overall a slight economic impact, therefore there may be some potentially more negative impact on those communities whereby any socioeconomic impacts may be felt such as by disabled people and those who care for them. That impact is minimised by retaining our tiered approach to registration fees for transfer deeds.

Following the screening exercise, we consider that a full Impact Assessment is not required.

Stage 2: Data and evidence gathering, involvement and consultation

Include here the results of your evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic ¹	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
AGE	A public consultation was run between 26 October and 24 December 2020 inviting views on the proposals. Additionally, contact was made with Age Scotland and the RoS Modern Apprentices' group to invite their views.		No evidence received to suggest any adverse impact specifically on this protected characteristic. No action taken.
DISABILITY	A public consultation was run between 26 October and 24 December 2020 inviting views on the proposals. Additionally, contact was made with Capability Scotland and RoS Carers' Network to invite their views.		RoS Carers' Network and Capability Scotland advise that any increase in fees for home-owning benefits-dependent people would have an adverse effect, but the responses did not quantify the impact of that effect. Capability Scotland advise that most of the people they support will not be affected by the proposals as they do not own property. No other evidence was received in this respect. RoS is of the view that whilst the fee review proposals may make an impact in this manner, but that this does not constitute discrimination.
SEX	A public consultation was run between 26 October and 24 December 2020 inviting views on the proposals. Additionally, contact was made with Women In Law, a women's network of lawyers, inviting their views.		No evidence received to suggest any adverse impact specifically on this protected characteristic. No action taken.
PREGNANCY AND MATERNITY	A public consultation was run between 26 October and 24 December 2020 inviting views on the proposals.		No evidence received to suggest any adverse impact specifically on this protected characteristic. No action taken.
GENDER REASSIGNMENT	A public consultation was run between 26 October and 24 December 2020 inviting views on the proposals.		No evidence received to suggest any adverse impact specifically on this protected characteristic. No action taken.
SEXUAL ORIENTATION	A public consultation was run between 26 October and 24 December 2020 inviting views on the proposals. Additionally,		No evidence received to suggest any adverse impact specifically on this

¹ Refer to Definitions of Protected Characteristics document for information on the characteristics

	contact was made with the Glass Network, a group for LGBT+ lawyers, to invite their views.		protected characteristic. No action taken.
RACE	A public consultation was run between 26 October and 24 December 2020 inviting views on the proposals. Additionally, contact was made with the Scottish Ethnic Minorities Lawyers' Association to invite their views.		No evidence received to suggest any adverse impact specifically on this protected characteristic. No action taken.
RELIGION OR BELIEF	A public consultation was run between 26 October and 24 December 2020 inviting views on the proposals.		No evidence received to suggest any adverse impact specifically on this protected characteristic. No action taken.
MARRIAGE AND CIVIL PARTNERSHIP (the Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices - refer to Definitions of Protected Characteristics document for details)	A public consultation was run between 26 October and 24 December 2020 inviting views on the proposals.		No evidence received to suggest any adverse impact specifically on this protected characteristic. No action taken.

Stage 3: Assessing the impacts and identifying opportunities to promote equality

Having considered the data and evidence you have gathered, this section requires you to consider the potential impacts – negative and positive – that your policy might have on each of the protected characteristics. It is important to remember the duty is also a positive one – that we must explore whether the policy offers the opportunity to promote equality and/or foster good relations.

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Advancing equality of opportunity			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Promoting good relations among and between different age groups			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Advancing equality of opportunity		X		RoS Carers' Network and Capability Scotland advise that any increase in fees for home-owning benefits-dependent people would have an adverse effect, but the responses did not quantify the impact of that effect. Capability Scotland advise that most of the people they support will not be affected by the proposals as they do not own property. No other evidence was received in this respect. RoS is of the view that whilst the fee review proposals may make an impact in this manner, this does not constitute discrimination.
Promoting good relations among and between disabled and non-disabled people			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision

Eliminating unlawful discrimination			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Advancing equality of opportunity			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Promoting good relations between men and women			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Advancing equality of opportunity			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Promoting good relations			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more commonly used)

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Advancing equality of opportunity			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Promoting good relations			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision

Eliminating unlawful discrimination			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Advancing equality of opportunity			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Promoting good relations			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.

Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Advancing equality of opportunity			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Promoting good race relations			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Advancing equality of opportunity			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.
Promoting good relations			X	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.

Do you think the policy impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership²	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			x	RoS is of the view that the fee review proposals will not impact in this manner and no evidence was received to suggest the fee review proposals will make such an impact.

² In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. This is because the parts of the Act covering services and public functions, premises, education etc. do not apply to that protected characteristic. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Stage 4: Decision making and monitoring

Identifying and establishing any required mitigating action

If, following the impact analysis, you think you have identified any unlawful discrimination – direct or indirect - you must consider and set out what action will be undertaken to mitigate the negative impact. You will need to consult your legal team in SGLD at this point if you have not already done so.

Have positive or negative impacts been identified for any of the equality groups?	Some negative impact has been identified for those with disabilities who are homeowners and benefits-dependent.
Is the policy directly or indirectly discriminatory under the Equality Act 2010 ³ ?	It is neither directly or indirectly discriminatory under the Equality Act 2010.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	N/A
If not justified, what mitigating action will be undertaken?	N/A

Describing how Equality Impact analysis has shaped the policy making process

In this section, set out a narrative that describes how the equality impact analysis has shaped and informed your policy development. Include, for example:

- ◆ Explaining whether any changes have been made to the policy as a result of the impact analysis and clearly identifying those changes. Or, explaining why no changes have had to be made.
- ◆ Describing any new steps that have been / will be taken as a result of the data and evidence gathered through the EQIA process, for example: adding a new piece of work to ensure that the policy implementation includes ethnic minorities, or working with delivery partners to ensure they fully understand the equality impacts.
- ◆ Explaining if there have been, or will be, any implications on costs, resources etc. arising from the EQIA analysis, e.g. has the budget changed because of the EQIA?
- ◆ You should also include a paragraph on how the EQIA has helped you develop better outcomes for people and communities⁴.

Monitoring and Review

In this section, explain how you will monitor and evaluate this policy to measure progress on equality issues identified in the EQIA. Include information on when the monitoring and evaluation will take

³ See EQIA – Setting the Scene for further information on the legislation.

⁴ The EHRC consider that a critical purpose of the EQIA is to achieve better outcomes for people and communities.

place, and who is responsible for undertaking it. This should be part of the regular monitoring and evaluation mechanisms you devise for your policy.

Stage 5 - Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes No Not applicable

Declaration

I am satisfied with the equality impact assessment that has been undertaken for Registers of Scotland Fee Review 2020 and give my authorisation for the results of this assessment to be published on the Scottish Government's website.

... 

Name: Jennifer Henderson

Position: Keeper and Chief Executive of the Registers of Scotland

Authorisation date: 20/1/21