

KIR Consultation Survey Response

PAGE 2: Information about you

Q3: Are you responding as: (please select below)
on behalf of a group or organisation

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Q4: Individuals Do you agree to your response being made available to the public (in the Scottish Government library and on the RoS website)?
Respondent skipped this question

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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)
Respondent skipped this question

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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?
Yes

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Q7: 1. Do you agree with the proposed approach to KIR starting with residential properties in research areas?
Yes

Comment: We are broadly in agreement that rural land is generally more complication to register and therefore research areas appear to be a reasonable starting point. We are therefore in agreement with the keeper's approach.

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

Comment: Please see response to Q1.

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: We firmly believe that the owner of such assets should be heavily involved and consulted throughout the registration process.

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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: We believe that land registered through KIR should be identifiable through a separate search sheet field and clearly identified on the cadastral map, including the date.

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

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Comment: We agree in principle. However, we are of the very strong opinion that proprietors should have the opportunity to review and comment on their title through prior notification, prior to registration, including a plan of the area being registered and a note of the burdens being registered. We believe there is precedent for this approach by way of SGRPID's approach to liaising with landowners over proposed amendments to Land Parcel Boundary maps.

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

Yes

Comment: We broadly agree, but please see Q4 over prior notification of proprietor

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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

Comment: We agree with the keeper's approach. However, note that notification of the proprietor may assist with resolving uncertainty in some cases.

Q14: Q7. Are there any other circumstances where the sasine register may not show the last person with a completed title?

No comment

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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: We do perceive practical difficulties and feel that title sheets should include all relevant details, so that the information is all contained within one overarching document

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?

No, we disagree with this suggestion. Please see response to Q8.

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

No

Comment: We are not content with the proposed approach. We strongly believe that proprietors should be given prior notification and opportunity to comment, as referenced in our response to Q4, before the title is registered.

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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: We agree with the keeper. However, note that the opportunity for possible imperfections in the title would be less likely, should our recommendation of prior notification be adopted.