

## KIR Consultation Survey Response

### PAGE 2: Information about you

**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)?  
No

### 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)**  
*Respondent skipped this question*

### 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

---

**Comment:** I also think that you should work in partnership with the solicitors of the proprietors of the properties. I believe you should extend the period of Voluntary Registration to allow solicitors to reiterate to their clients that KIR is coming and to voluntarily register their property before it is taken out of their hands.

### 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 allow the solicitor who has the next dealing with the property can readily identify that this is the case. KIR will not involve the proprietors and therefore the solicitor transacting with the property again may need to take extra care when examining KIR titles.

## KIR Consultation Survey Response

### PAGE 22

**Q11: Q4. Do you agree with the Keeper's general approach to the KIR mapping of legal extent?**  
No

**Comment:** I do not agree with the exclusion of warranty or limitation of warranty. It is clear the Keeper's motivation here is to complete the Land Register within the set time and the priority is not to ensure that the legal extent is mapped accurately.

### PAGE 24

**Q12: Q5. Do you agree with the keeper's proposed approach to incorporeal pertinents?**  
No

**Comment:** Again, it seems like the Keeper is focused on reaching the set time limit for Land Register Completion rather than completing an accurate Land Register. For example, rights of access are incredibly pertinent to title. This reinforces my suggestion that the Keeper should allow local solicitors with local knowledge further time to complete VR.

### 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?**  
No

**Comment:** Again, if solicitors and the proprietors of the property were involved in the registration this would clarify the matter and lead to an accurate Land Register rather than just a completed map.

**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?**

No - I think the Keeper should include the full burden detail in the Title Sheet. Again, this seems to be a rushed job and I do not see why the Keeper cannot take the time to have a Title Sheet completed in full.

### PAGE 28

**Q17: Q10. Are you content with how we plan to communicate KIR?**  
No

**Comment:** I have clients who are vulnerable. I think that this will create panic. I can foresee that some of my clients will be up in arms as the Keeper has changed the way in which their land is registered without consulting them. Again, this reinforces my suggestion that the Keeper should involve the proprietors and their solicitors for this process.

### 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