

## Response ID ANON-CEQC-5NFE-A

Submitted to **Digital Transformation: Next Steps**

Submitted on **2017-01-12 08:59:05**

### Part 1 - New digital services in the Keeper's registers

#### 1 Do you agree that transition to a digital first service should be the next step?

Yes

**Comments:**

This is a necessary development if Scotland is to build on the work done to date so that it may be a leading digitally-enabled economy.

#### 2 Do you agree with the proposed timescale of 1 April 2018 for prescribing that advance notices over part be fully digital?

Yes

**Comments:**

Indeed, in my opinion, it could be sooner. I appreciate other priorities exist however.

#### 3 Do you agree with a notice period of six months?

Yes

**Comments:**

This is a reasonable period. There has to be a "cut-off" date.

#### 4 Do you agree the initial focus for digital registration, following launch of the digital discharge service, should be provision of channels aimed at standard securities and dispositions?

Yes

**Comments:**

#### 5 What deed types do you consider we should prioritise for new services subsequent to securities and dispositions?

**Comments:**

I have no firm ideas in this regard other than it should be an incremental process.

#### 6 Do you consider that for the limited purpose of dual recording, it should be permissible to record an electronic deed in the sasine register or should be permissible to record a paper copy of the digital deed?

**Comments:**

I agree with both options but my preference is the former.

#### 7 Do you agree that ten working days from the date of digital submission is an appropriate period to allow the prior deeds to be submitted?

Yes

**Comments:**

This seems an appropriate period.

#### 8 Do you have a view on alternative ways you would like to present supporting documents accompanying a digital application?

No

**Comments:**

The proposal is entirely workable in my opinion.

In addition, I should like to comment on the digital enablement of the Books of Council & Session as noted in para 1.19 of the Consultation Paper. In my opinion, the Keeper should be doing more than saying that the matter should be advanced. This should be a priority. This was raised with the Civil Law Justice Division in a meeting in December 2016 and the significance stressed. A small example flags up the potential of delay limiting the advance of a full digital service. This involves missives signed using the Law Society Secure Digital Signature. The introduction of the LSS Smartcards has been a success in so far as number is concerned but their use is still limited. One such use is when signing formal letters in leasing transactions where it is generally stated that until the Lease has been signed, the missives apply - with an option for their registration in BCS. If such a provision applies and the concluding missive for example is signed digitally, that missive cannot be registered "as is" in BCS. Some firms are using this loophole as a means to avoid having to use Secure Digital Signatures.

The BCS is a very useful Register but it has not moved with the times. It's digital enablement should be a priority.

## Part 2 - Digital application form and submission process

### 9 Do you agree with the main changes that we propose to make to the application form?

Yes

**Comments:**

This is long overdue. The rigidity of the current system has led to frustrations and the current form is a barrier to further digital enablement. The devil, of course, will be in the detail.

### 10 Are there any other changes you suggest we should make with a view to simplifying it and making it easier to follow?

Yes

**Comments:**

Any comments which I have in this regard are covered in correspondence which members of the Professorial panel have had with registers' staff. There are obvious textual improvements which require to be made.

### 11 Do you agree that instead of prescribing the content of the application form in the Land Register Rules, the keeper should publish the land registration application form on an administrative basis so that it can be amended from time to time, following consultation and due notice, without the need for changes to be made to the rules?

Yes

**Comments:**

This is essential. The current system is far too rigid.

### 12 Do you agree that this approach should be adopted for both applications submitted on paper and applications prepared through a digital service provided by the keeper?

Yes

**Comments:**

This is essential.

## About You

### What is your name?

**Name:**

Professor Stewart Brymer

### What is your email address?

**Email:**

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### Are you responding as an individual or an organisation?

Individual

### What is your organisation?

**Organisation:**

### The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

**We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?**

Yes

## Evaluation

**Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)**

**Matrix 1 - How satisfied were you with this consultation?:**

Very satisfied

**Please enter comments here.:**

**Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:**

Very satisfied

**Please enter comments here.:**