

More details on Voluntary Land Registration Procedures

Clients have told us they find it helpful to have an insight into the details of the process. If you would like more information about how we approach Voluntary Registration, please read on:

Initial Physical Checks/Missing Titles

We would check the title deeds supplied by you to ascertain if all required titles are held. We would need to order quick copies of any missing deeds. There may be some properties where title packs cannot be located and we could check ScotLIS online for the recorded/registered title and whether this is Sasine or Land Registered.

Title Extent

We would need to identify the descriptive writ - or writs where the title has been acquired by you or a predecessor in more than one constituent part.

Pre-Registration Reports - We would order:-

- A Legal Report over the property in the descriptive writ(s) to identify the current registered proprietor, any split offs, securities or other deeds which may need to be checked, such as deeds of servitude or utility leases.
- A Level 3 Plans Report comparing the description or title plan(s) against the Register's cadastral map.

Plans Reports can have a number of outcomes-

- In some cases, the title check or the Plans Report will confirm that the description is inadequate for First Registration and a new deed plan may be necessary. That new deed plan then needs to be verified by you as accurately showing the extent.
- In some cases the results of the Plans Report might highlight discrepancies such as a competing adjoining registered title or a shortfall. You will need advice as to how such issues can best be resolved.
- In some cases the plan or title description will be confirmed by the Plans Report as adequate for First Registration and would then simply need to be checked with you to ensure that the extent shown or described is as expected.

Deed plan preparation

In cases where the title check or the Plans Report confirms that the description is inadequate for First Registration, a new deed plan will be required, which can sometimes be prepared by a client's in-house team or otherwise, by Registers of Scotland's Plans Assistance Service or Private Searchers.

Split Offs

In many cases there will be sales from the original extent. A Legal Report would be instructed to ascertain sales out of the title (split offs). Quick copies of any such deeds disclosed that were not with the title pack would need to be ordered. This would be done in conjunction with ordering the Plans Report so these split offs would be considered in the preparation of that Plans Report.

Identify Deeds containing Title Conditions

We would need to check the Deed in favour of the relevant party and the Legal Report to identify which other deeds were referred to for title conditions and order Quick Copies of any not held.

Remedial Conveyancing/Affidavits - In cases where the Plans Report highlights discrepancies such as a competing adjoining registered title or a gap, there may need to be remedial conveyancing undertaken or an Affidavit prepared to enable an Application to be submitted under the Prescriptive Claimant procedures under the Land Registration (Scotland) Act 2012 Act ("2012 Act"). Title Indemnity Insurance could also be costed and considered. We would discuss with you how best to resolve such issues and give you our opinion on the available options.

Calculate Land Registration Dues

Land Registration dues are based on valuation on the basis of the following scale -

Value Not exceeding	Registration Dues	Discounted Registration Dues
£50,000	60	45
£100,000	120	90
£150,000	240	180
£200,000	360	270
£300,000	480	360
£500,000	600	450
£700,000	720	540
£1,000,000	840	630
£2,000,000	1,000	740
£3,000,000	3,000	2,250
£5,000,000	5,000	3,750
Exceeds £5,000,000	7,500	5,625

At the moment there is a 25% reduction in voluntary registration fees which it has been confirmed will apply until at least 31 March 2019. These discounted rates are shown in the second column.

Pricing - At the end of the Scoping stage, we can provide pricing for the Execution stage. This can be estimated based on agreed hourly rates, or we may agree to fixed pricing on a shared risk basis to provide budget certainty. Pricing is generally assessed based on the number of constituent parts to the title, split offs, deeds containing title conditions and any Plans Report or other known issues.

Examine Underlying Title - Applications submitted under the 2012 Act, including those for Voluntary Registration, require the solicitor submitting the Application to have examined the underlying title to enable them to certify to the Registers of Scotland that the information in the Application Form is accurate and correct. Under the previous 1979 Act there was no need for the title to be reviewed unless the client instructs the solicitor to do so. The Registers of Scotland warranty is now based on the submitting solicitor's certification of title. As such, a full review of the titles is now required so any unresolved issues can be disclosed on the Application Form.

Consultation - After the review of underlying titles, we would clarify any relevant information on boundaries, servitude rights and accesses with you or your managing agents as required. Details of any crofting or sporting or fishing rights or leases affecting the property would also need to be supplied.

Preparation of Land Registration Forms - After the title review and consultation is complete; we will prepare Land Register Application Forms answering the required questions and then obtain sign off on final Forms.

Deal with Land Register Requisitions Raised - After submission, we would revert to you if any requisitions were raised by the Land Register in the process of Land Registration and work with you to resolve these.

Check Land Certificates once issued - We would check over the Title Sheets - once Registers Email to confirm these are available - against the titles submitted to ensure these were as anticipated. We would despatch PDF copies of these to you.

If you would like to discuss Voluntary Land Registration further, in relation to a particular property or generally, please contact either:

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