

POLICY NOTE

THE FEES IN THE REGISTERS OF SCOTLAND (CONSEQUENTIAL PROVISIONS) AMENDMENT ORDER 2013

SSI 2013/59

1. This Order is made in exercise of the powers conferred by section 25 of the Land Registers (Scotland) Act 1868 and section 117 of the Land Registration etc. (Scotland) Act 2012 (“the 2012 Act”) and is subject to negative procedure.

Policy Objectives

2. The Order removes Part XI, paragraph 4 (other services) of the Schedule in the Fees in the Registers of Scotland Order 1995 (“the 1995 Order”).

3. On 27 September 2012, the Scottish Ministers made the Land Registration etc. (Scotland) Act 2012 Commencement (No. 1) Order 2012. Amongst other provisions, that Order brought into force section 108 of the 2012 Act on 1 November 2012.

4. Section 108 provides that the Keeper of the Registers of Scotland ("the Keeper") may provide consultancy, advisory or other commercial services. This allows commercial rates to be charged for the provision of these services, such as bespoke Property Data Information services or consultancy, which are outwith the Keeper's main statutory functions. This section is in force, but there remains provision for fees payable to the Keeper in Part XI, paragraph 4 (other services) of the Schedule to the 1995 Order, which are fees "for any service not listed above a fee being the full value of the work and materials involved."

5. Paragraph 4 currently requires the Keeper to charge time and line for any service not specified elsewhere in the Fees Order. The Order removes paragraph 4 as a consequence of the 2012 Act. This enables the powers in section 108 to be used as intended by the Scottish Parliament to charge commercial fee rates. This will have no impact on any of the fees charged by the Keeper in respect of her primary statutory functions of registration, access to the registers and making information available from the registers. The rest of the 1995 Order will remain in force and unchanged.

Consultation

6. A full [consultation](#), including the provisions in section 108 of the 2012 Act, took place prior to the Land Registration (Scotland) Bill's Parliamentary passage

Impact Assessments

7. An [equalities impact assessment](#) was completed for the Bill's introduction to Parliament.

Financial Effects

8. No Business and Regulatory Impact Assessment (BRIA) has been prepared for this Order as no financial effect or impact on the private, voluntary or public sector is foreseen. The title investigation service currently charged under paragraph 4 will continue to be charged on a cost-recovery basis; whereas, after 1st April 2013, ad hoc services offered by the Keeper or requested by customers will be charged at a fee

agreed between the customer and the Keeper. The fee agreed between the customer and the Keeper may be higher or lower than the fee currently charged for such service. A [BRIA](#) accompanied the Land Registration (Scotland) Bill on introduction to Parliament.

Registers of Scotland