

POLICY NOTE

THE REGISTERS OF SCOTLAND (INFORMATION AND ACCESS) ORDER 2014

SSI 2014/XXX

1. This Order is made in exercise of the powers conferred by section 107(1) of the Land Registration etc. (Scotland) Act 2012 (“the 2012 Act”) and is subject to the affirmative procedure.

Policy Objectives

2. The 2012 Act makes provision for land registration in Scotland and provides a new legislative basis for the Land Register of Scotland (“the land register”). This Order makes provision in relation to information to be made available by the Keeper of the Registers of Scotland (“the Keeper”) and access to any register under the management and control of the Keeper.

3. Article 2 makes provision for plain copies of information to be made available by the Keeper. A plain copy is a simple copy which provides a cheaper alternative to customers who wish a copy which does not have the evidential status of an extract, certified copy or office copy. A plain copy costs £16 and an extract, certified copy or office copy costs £30. Sections 104 and 105 of the 2012 Act provide for extracts and certified copies from the land register.

4. Article 3 provides that an extract or plain copy of the cadastral map may only be in respect of one cadastral unit number or title number. The purpose of an extract or plain copy of the cadastral map is to provide a clear and unambiguous view of the extent of properties in the land register. The concept of the cadastral map and mapping rules that apply to it are introduced by the 2012 Act; however, from the designated day for the 2012 Act to be on 8 December 2014, the majority of properties registered in the land register and reflected on the cadastral map are those registered under the terms of the Land Registration (Scotland) Act 1979, to which the cadastral mapping rules did not apply. An extract or plain copy of the cadastral map showing multiple properties mapped under the terms of the 1979 Act would not provide the user with a clear view of the properties: property rights, encumbrances and title conditions pertaining to the plot are often shown with overlapping references on the map. This makes it difficult to establish what an individual property comprises. To provide consistent and clear information, the Keeper is therefore providing in this Order that extracts or plain copies will only be made available on the basis of one cadastral unit or one title sheet at a time.

5. More information on extracts of the cadastral map, including examples of mapping, is contained in Annex D of the Post Consultation Report by the Keeper on the Implementation of the Land Registration etc. (Scotland) Act 2012^a.

^a http://www.ros.gov.uk/consultation/LR_Act_Post_Consultation_Report_v12.pdf

6. Procedures are put in place for public access to the registers under the management and control of the Keeper is provided for in article 4. This requires that anyone may request information from the Keeper either in person at the Registers of Scotland Customer Service Centres^a, in writing (by letter or email) or electronically via the website^b.

Consultation

7. A full public consultation was carried out on a draft Land Registration (Scotland) Bill in 2010 prior to the Land Registration (Scotland) Bill's Parliamentary passage: <http://www.scotland.gov.uk/Publications/2010/09/landregistrationbill>. There has also been a consultation in 2013 on aspects of implementing the 2012 Act: http://www.ros.gov.uk/consultation/consultation_lr_act.html

Impact Assessments

8. A Business and Regulatory Impact Assessment, an Equalities Impact Assessment and a pre-screening report for Strategic Environmental Assessment were carried out before the introduction of the Bill-
<http://www.ros.gov.uk/lrbillconsultation/consultation.html>.

9. The Bill had Accompanying Documents in the usual way
<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/44469.aspx>.

Financial Effects

10. No Business and Regulatory Impact Assessment (BRIA) has been prepared for this Order as no significant financial effect or impact on the private, voluntary or public sector is foreseen. A [BRIA](#) accompanied the Land Registration etc. (Scotland) Bill on introduction to the Scottish Parliament.

Registers of Scotland on behalf of the Scottish Government

19 May 2014

a Meadowbank House, 153 London Road, Edinburgh EH8 7AU or Hanover House, 24 Douglas Street, Glasgow G2 7NQ.

b <http://www.ros.gov.uk/>