

Registers of Scotland: Island Communities Impact Assessment

Background: The Islands (Scotland) Act 2018 imposes a duty on the Keeper of the Registers of Scotland as one of a number of “relevant authorities”

- to have regard to island communities in carrying out their functions (section 7)
- to prepare an Island Communities Impact Assessment (ICIA) in relation to a policy, strategy, or service, which, in the relevant authority’s opinion is likely to have an effect on an island community which is significantly different from its effect on other communities (section 8)

Brief Description of the policy, strategy or service:

Registers of Scotland (RoS) is a Scottish public body and is categorised as a Non-Ministerial Office (NMO). RoS is headed by the Keeper, who is a non-ministerial office-holder in the Scottish Administration and the Chief Executive of RoS. RoS’ function is to maintain the public registers for which the Keeper is statutorily responsible and make the information they contain publicly available.

Further information on how RoS operates is set out in its framework document.

RoS’s work is demand-led, in response to activity primarily in the property market. Its work is self-financing and is funded from the fees it charges. RoS income is generated from charging fees for both statutory and non-statutory activity. Fees have remained unchanged since 2011, with minor exceptions.

The full financial impact of the measures necessitated by the Coronavirus pandemic is not yet known, but RoS’s predictions anticipate that there will be at least some impact on the housing market and therefore RoS’s revenues. Statutory registration fees, mainly generated by transfers of property, account for approximately 90% of RoS’s revenue. Applications to the Land Register are currently predicted to be up to 35% lower than forecast in our corporate plan for the remainder of the financial year, with other registers similarly affected. The hiatus in the housing market and its ongoing recovery is not something that RoS can influence directly.

Statutory responsibility for the setting of fees charged by RoS lies with Scottish Ministers. This consultation is being undertaken on their behalf and with their authority.

Fees must be charged in accordance with the requirements of the Scottish Public Finance Manual and in accordance with the powers set out in section 110 of the Land Registration etc. (Scotland) Act 2012. The Scottish Public Finance Manual sets out that the standard approach for setting charges and fees is full cost recovery.

RoS has introduced significant technological and business changes to minimise the impact of the lockdown on the housing market and maximise its ability to continue to generate revenue during the crisis. RoS reviewed and implemented where possible all opportunities to manage income and expenditure.

Efficiency improvements in systems and processes have enabled RoS to absorb increases in its operating costs within the existing fees structure until now. However, current forecasts of future income and expenditure show that RoS needs to increase fees if it is to recover its costs over the next five years.

The combination of increased staff costs, the investment required to develop new modern systems of registration and the downturn in the market following the Coronavirus pandemic taken together mean statutory fees now need to be increased to reflect RoS's costs.

STEP ONE – DEVELOP A CLEAR UNDERSTANDING OF YOUR OBJECTIVES:

What are the objectives of the policy, strategy or service?	<i>To bring Registers of Scotland (RoS) back to a cost-neutral position as required by the Scottish Public Finance Manual by raising certain statutory fees.</i>
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Do you need to consult?	<i>Yes</i>
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How are islands identified for the purpose of the policy, strategy or service?	<i>For the purposes of the Fees Review 2020 Consultation, RoS adopts the same definition of Island as that which is found in the Islands (Scotland) Act 2018, that is to say “island” means a naturally formed area of land which is (a) surrounded on all sides by the sea (ignoring artificial structures such as bridges), and (b) above water at high tide, and “inhabited island” means an island permanently inhabited by at least one individual.</i>
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What are the intended impacts/outcomes and how do these potentially differ in the islands?	<i>The intended outcome of the Fees Consultation 2020 is to raise fees to return RoS back to a cost neutral position. RoS's fees are charged on a product or service basis and those fees will be identical for those using RoS products and services who either reside and/ or are looking to purchase property on the Scottish mainland as they are for those who either reside or are looking to purchase property on the Islands.</i> <i>As explained in our Fee Review 2020 Consultation, there are no plans to raise registration fees for the Crofting Register at this time. Crofting tenure can be found on the Islands and mainland Scotland.</i>
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Is the policy, strategy or service new?	<i>The policy of charging registration fees is not new. The most recent review seeks to raise fees but retain almost all of the current fees structure.</i>
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STEP TWO – GATHER YOUR DATA AND IDENTIFY YOUR STAKEHOLDERS:

What data is available about the current situation in the islands?	<i>Registration fees are payable for those who either reside and/ or are looking to purchase property on the Scottish mainland as they are</i>
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	<i>for those who either reside or are looking to purchase property on the Islands.</i>
Do you need to consult?	<i>Yes</i>
How does any existing data differ between different islands?	<i>Anyone looking to register property on an Island as the Scottish mainland will be subject to the same registration fees. No evidence was presented as part of the consultation that indicated any island circumstances that required to be taken into account.</i>
Are there any existing design features or mitigations in place?	<i>None required. No evidence was presented as part of the consultation that indicated any island circumstances that required to be taken into account.</i>

STEP THREE – CONSULTATION:	
Who do you need to consult?	<i>Registers of Scotland carried out a public consultation between 26 October and 24 December 2020 on its proposals.</i>
How will you carry out your consultation?	<i>The consultation was published on our website, advertised through social media and certain stakeholders were emailed directly to invite them to respond.</i>
What questions will you ask when considering how to address island realities?	<i>It is not known that there are any relevant differentials between the Scottish mainland and the Islands. No evidence was presented as part of the consultation that indicated any island circumstances or realities that required to be taken into account.</i>
What information has already been gathered through consultations and what concerns have been raised?	<i>No such information or concerns have been raised.</i>
Is your consultation robust and meaningful and sufficient to comply with the Section 7 duty?	<i>Yes</i>

STEP FOUR – ASSESSMENT:	
Does your assessment identify any unique impacts on island communities?	<i>No evidence was presented as part of the consultation that indicated any unique island impacts that required to be taken into account.</i>
Does your assessment identify any potential barriers or wider impacts?	<i>Not required.</i>
How will you address these?	<i>Not required.</i>

You must now determine whether in your opinion your policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).

If your answer is **NO** to the above question, a full ICIA will be NOT be required and you can proceed to Step Six.

If the answer is **YES**, an ICIA must be prepared and you should proceed to Step FIVE.

To form your opinion, the following questions should be considered:

Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)?

Are these different effects likely?

Are these effects significantly different?

Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups?

STEP FIVE – PREPARING YOUR ICIA:

Describe the likely significant different effect of the policy, strategy or service.

Assess the extent to which you consider that the policy strategy or service can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it.

Consider alternative delivery mechanisms and whether further consultation is required

Describe how these alternative delivery mechanisms will improve or mitigate outcomes for island communities.

Identify resources required to improve or mitigate outcomes for island communities.

STEP SIX – MAKING ADJUSTMENTS TO YOUR WORK:

Should delivery mechanisms/mitigations vary in different communities?

We do not consider that this is required. Access to RoS products and services is mainly online which promotes equality of access to all, in particular, to Island communities.

Do you need to consult with island communities in respect of mechanisms or mitigations?	No
Have island circumstances been factored into the evaluation process?	<i>No evidence was presented as part of the consultation that indicated any island circumstances that required to be taken into account.</i>
Have any island-specific indicators/targets been identified that require monitoring?	<i>No evidence was presented as part of the consultation that indicated any island circumstances that required to be taken into account.</i>
How will outcomes be measured on the islands?	<i>Not required at present.</i>
How has the policy, strategy or service affected island communities?	<i>No evidence was presented as part of the consultation that indicated any island circumstances that required to be taken into account.</i>
How will lessons learned in this ICIA inform future policy making and service delivery?	<i>No evidence was presented as part of the consultation that indicated any island circumstances that required to be taken into account.</i>

STEP SEVEN – PUBLISHING YOUR ICIA:

Have you presented your ICIA in an Easy Read format?	Yes
Does it need to be presented in Gaelic or any other language?	No
Where will you publish your ICIA and will relevant stakeholders be able to easily access it?	<i>RoS website</i>
Who will sign-off your final ICIA and why?	<i>Jennifer Henderson, Keeper and Chief Executive, Registers of Scotland.</i>

ICIA completed by:	Kaira Falconer
Position:	Head of Compensation and Litigation, Policy Unit, Registers of Scotland
Signature:	Kaira Falconer
Date completed:	20/1/21

ICIA approved by:	Jennifer Henderson
Position:	Keeper and Chief Executive, Registers of Scotland
Signature:	Jennifer Henderson
Date approved:	20/1/21