

ISLANDS COMMUNITIES IMPACT ASSESSMENT

Name of Policy, Strategy or Service	The Register of Scotland (Digital Registration, etc.) Regulations 2022
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STEP ONE – DEVELOP A CLEAR UNDERSTANDING OF YOUR OBJECTIVES

<ul style="list-style-type: none">• What are the objectives of the policy, strategy or service?• What are the intended impacts / outcomes and how do these potentially differ in the islands?	<p>The Keeper of the Registers of Scotland is named as one of the relevant authorities subject to the duties at s7 of the Islands (Scotland) Act 2018.</p> <p>Following closure of her offices on 24th March 2020, the Keeper of the Registers of Scotland (RoS) introduced a digital submission service in collaboration with customers to enable applications to the Land Register, Register of Sasines and Register of Inhibitions to be submitted electronically, allowing these registers (and the property market and court processes which they support) to remain operational during the period of public health restrictions. These applications comprised electronic copies of traditional (i.e. paper) documents.</p> <p>The legislative basis for digital submission was introduced in paragraphs 11 to 14 of schedule 7 of the Coronavirus (Scotland) Act 2020 and paragraph 3 of schedule 4 of the Coronavirus (Scotland) (No. 2) Act 2020.</p> <p>Following positive feedback from stakeholders and customers, RoS launched a public consultation on the future of digital submission, including whether it should become the default method of submission. Response to the consultation was overwhelmingly positive, with 97% of 223 respondents stating that they were in favour of placing digital submission on a permanent statutory footing as the default</p>
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method of submission – benefits cited by respondents included greater speed and certainty of submission, reduced postage costs, and greater flexibility of work location. Similar benefits are also obtained by RoS, in addition to greater operational resilience in the case of future disruption, and as a useful stepping-stone on the road to a fully electronic conveyancing process.

Measures to place digital submission on a permanent statutory footing will be taken forward as part of a wider bill related to recovery from the Covid pandemic. These regulations are designed to work in tandem with the permanent provisions (and will commence at the same time), by making digital submission of applications in the Land Register and Register of Sasines compulsory subject to limited exceptions and enable the registration of full electronic documents in the Register of Deeds and Probative Writs in the Books of Council and Session. The requirement to use digital services will be identical for those using RoS products and services who either reside or are looking to purchase property on the Scottish mainland as it is for those who either reside or are looking to purchase property on the Islands:

In the event of digital submission becoming the default, exceptions to this will be provided so that in the event that applicants have no or insufficient broadband access for a defined period (48 hours or more), they will be able to use paper submission.

The provisions will ensure Island solicitors can submit applications with the same immediacy as mainland-based solicitors, removing one of the possible disadvantages under the previous postal system of submission

STEP TWO – GATHER YOUR DATA AND IDENTIFY YOUR STAKEHOLDERS

<ul style="list-style-type: none">• What data is available about the current situation in the islands?• Who are your Key Stakeholders?• How does any existing data differ between islands?• Are there any existing design features or mitigations in place?	<p>The requirement to register property is the same for those who either reside and/or are looking to purchase property on the Scottish mainland as it is for those who either reside or are looking to purchase property on the Islands. Having publicly consulted on these proposals, we are not in possession of any such data that indicates that those living in Island communities are adversely affected by the proposals.</p> <p>Our key stakeholders comprise members of the conveyancing profession, including solicitors and institutional lenders.</p> <p>No evidence has been presented as part of the consultation to indicate differing island circumstances that required to be taken into account.</p> <p>None required. No evidence has been presented as part of the consultation that indicate any island circumstances that required to be taken into account. In the event of digital submission becoming the default, exceptions to this will be provided so that in the event that applicants have no or insufficient broadband access for a defined period (48 hours or more), they will be able to use paper submission.</p>
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STEP THREE - CONSULTATION

<ul style="list-style-type: none">• Is there any information already gathered through previous engagements?• How will you carry out your consultation and in what timescales? Public meetings/ Local Authorities / Key Stakeholders• What questions will you ask when considering how to address island realities?• Separate consultation events for Island communities / Local Authorities?	<p>Registers of Scotland carried out a public consultation on behalf of Ministers between 22 December 2020 and 1 February 2021 on these proposals. This included inviting views on making digital submission the default to which the response was overwhelmingly in favour.</p> <p>The consultation and analysis is published on the Registers of Scotland website, and was advertised through social media and certain stakeholders were emailed directly to invite them to respond.</p> <p>Views were invited on making digital submission the default to which the response was overwhelmingly in favour. No evidence has been presented as part of the consultation that indicated any island circumstances or realities that require to be taken into account.</p> <p>No evidence has been presented as part of the consultation that indicated any unique island impacts, accordingly no separate consultation activity was deemed necessary</p>
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STEP FOUR - ASSESSMENT

<ul style="list-style-type: none"> • Does your assessment identify any unique impacts on island communities? (Further detail in the Guidance) <ul style="list-style-type: none"> ○ Demographic ○ Economic ○ Gaelic ○ Social • Does your assessment identify any potential barriers or wider impacts? • Are there mitigations already in place for these impacts raised? 	<p>No evidence has been presented as part of the consultation that indicated any unique island impacts that require to be taken into account.</p> <p>No potential barrier or wider impacts identifier other than some potential benefits to island communities through a reduced reliance on physical transmission of documents.</p> <p>As explained above, mitigations will continue to be provided to facilitate the use of paper submission, for example in situations where applicants have no or insufficient broadband access for a defined period (48 hours or more).</p>
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Is a full Islands Communities Impact assessment Required?

<p>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).</p> <p>To form your opinion, the following questions should be considered:</p>	<p>A full impact assessment is not required as the proposal is not likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).</p> <p>As explained above, mitigations will continue to be provided to facilitate the use of paper submission, for example in situations where</p>
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<p>applicants have no or insufficient broadband for a defined period (48 hours or more.</p> <p>No evidence has been presented as part of the consultation that indicated any unique island impacts that require to be taken into account.</p>	<ul style="list-style-type: none"> • Are there mitigations in place for the impacts identified and noted above from stakeholders and community consultations? (further ICIA action not required, complete section below and publish) • 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? <p>If your answer is No to the above questions, please complete the box below.</p> <p>If the answer is Yes, an ICIA must be prepared and you should proceed to Step 5.</p>
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A Full Islands Community Impact Assessment is NOT required

<p>In preparing the ICIA, I have formed an opinion that our policy, strategy or service is NOT likely to have an effect on an island community which is NOT significantly different from its effect on other communities (including other island communities). The reason for this is detailed below.</p> <p>Reason for not completing a full Islands Communities Impact Assessment:</p> <p>A full impact assessment is not required as the proposal is unlikely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).</p> <p>As explained above, mitigations will continue to be provided to facilitate the use of paper submission, for example in situations where applicants have no or insufficient broadband access for a defined period (48 hours or more).</p> <p>No evidence has been presented as part of the consultation that indicated any unique island impacts that require to be taken into account.</p>	
Screening ICIA Completed by	<u>Harry Murray</u>
Position	<u>Policy Lead, Registers of Scotland</u>
Signature and Date	<u>Harry Murray 13 December 2021</u>
ICIA Authorised by	<u>Jennifer Henderson</u>
Position	<u>Keeper and Chief Executive of the Registers of Scotland</u>
Signature and Date	<u>Jennifer Henderson 13 December 2021</u>