

Eventually , when the majority of properties have been transferred to the Land Register, it is intended that all remaining properties will be required to undergo First Registration even if they are not being sold, and the Register of Sasines will then be closed. There is no firm date set for this, and it is anticipated to be a number of years in the future.

Where can I get more information?

The Registers of Scotland have their own website (www.ROS.gov.uk) which has some historical and technical information on the Registers.

For most questions however, ask your solicitor who will be happy to explain how this all applies to your own particular circumstances.

This information contained in this leaflet is general advice only. It cannot be relied upon as a definite statement of the law and you should take specific legal advice on any particular situation.

A Large Print version of this leaflet is available on request



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REGISTRATION OF TITLE



How it will affect you.

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The system of recording ownership of land in Scotland is presently changing from the old *Register of Sasines* to the new *Land Register*. The new system was introduced on a county by county basis, starting with Renfrewshire in 1981, and finishing with Caithness and other northern counties in April 2003. This has a number of effects on people buying property, especially when considering First Registration.

What is First Registration

First Registration is the term given to the process of transferring the title of a particular property from the old Sasine Register to the new Land Register. This is compulsory on the first sale of a property after the new system started in that county (technically called becoming *operational*), and also applies in certain other circumstances. Therefore whenever a property in Scotland is sold and is still on the Sasine Register it must undergo this procedure. Eventually this will apply to every property.

Why does First Registration cost me more?

When a title goes through First Registration, your solicitor needs to carry out a lot more work than usual, effectively both what is required for a transfer under the old system as well as what is required under the new system.

Also the Register of Sasines works by recording title deeds, while the Land Register works by recording boundaries on the OS map. Therefore, the solicitor needs to match up the old title descriptions with what is shown on the OS.

The seller usually needs to obtain a report called a *PI6* which confirms this match. If the old title description or plan does not comply with the modern requirements, it may be necessary to obtain a new plan before completing the sale.

What will I notice different in my Purchase?

Apart from the extra legal costs, there are very few visible effects on you until after the purchase has completed. There may be some extra delay if the Sellers do not have all the details that are needed under the new system.

However, after settlement it takes much longer to process the papers, so the final *Land Certificate* may not be available for more than a year. This doesn't affect ownership at all, but does mean that if you intend to sell the property within two years of purchase you should advise your solicitor who can copy the most important papers to avoid delays in your sale.

When the Land Certificate is issued it will be much easier for you to understand than the old bundle of titles. The old deeds are then mostly of historical interest and after a few years will tend to be irrelevant in any future sale.

What will I notice different in my Sale?

Your solicitor will need to carry out a lot more preparatory work to make sure that things can go smoothly. Ideally some of this should be carried out even before you receive an Offer, to avoid any delays once this is received.

You may be asked to provide various bits of information yourself or you may need to pay for additional reports.

As mentioned before, you might need to have a new title plan drawn up - in a few cases the solicitor can have an existing title plan "tweaked" to sort a few minor details, but while this saves the costs of a whole new plan it is still an additional expense.

If your property is fairly modern it is in most cases possible to predict how much extra work the solicitor will need to carry out. However, if you have a very old title deed, or are selling off only part of the property you own, there may be considerably more work required, which the solicitor will not be able to predict until the various initial reports and enquiries have been dealt with.

What benefits do I get from all this?

There are, eventually, a number of benefits. Once a property is registered on the Land Register and the Land Certificate issued it is much easier to deal with that title. There is a clear plan of the boundaries, and other details are plainly laid out. This is easier for everyone to understand, and makes future legal work easier - leading to reduced legal costs in subsequent transactions.

The Keeper of the Registers of Scotland also gives an indemnity on the title, so that if you suffer a financial loss due to an error in the registers you will receive compensation.

The new system is also computerised, and the Keeper intends to make use of this to allow electronic access to the Register in the near future. This will allow faster transactions and also make it easier to find who owns a particular property. In time it is even thought that the whole process of transferring property will be able to be completed electronically with almost no paper involved, although this is still a way off.

Can I avoid First Registration?

No, if you want to buy or sell a property which is affected by First Registration that is the only legal way to transfer the ownership. Of course it is possible to buy a property which has already been through this procedure.