Oral Evidence
We refer to the oral evidence given by Fiona Letham to the Economy Energy and Tourism Committee at the committee meeting held on 11 January 2012. This written submission is intended to supplement that oral evidence and should be considered in conjunction with it.

Completion of the Land Register and Fee Levels
As stated in our oral evidence and in our response to the previous consultation carried out by Registers of Scotland, we are generally supportive of the proposals to complete the Land Register. However, we would not support the introduction of increased fees as a consequence. We would support the introduction of discounted fees for voluntary registrations as any such discount could encourage property owners to register their properties in the Land Register without waiting for a transaction to trigger first registration. We have concerns regarding any proposal to charge on a time and line basis for complex registrations as this could be offputting to parties intending to transact with such properties.

Section 82 - Acquisition from disponer without valid title
We support the principle of adjusting the guarantee of title to make it less likely that a true owner will be deprived of their property and have no objections to the proposed qualifying period of one year provided for in section 82(3). However, we think that these provisions will affect the curtain principle. If these provisions are enacted, we think it likely that conveyancers acting in the acquisition of property from a seller who has possessed the property for less than one year will look behind the seller's land certificate to verify that the seller is the true owner of the property. This could result in additional costs for the buyer.

Sections 42 - 44 - Prescriptive Acquisition
While we agree that robust protections should exist to protect true owners from losing their property to a title raider, a non domino applications can be extremely useful as a legitimate way of tidying up, for example, title to a site assembled over a number of years from a number of separate titles, where previous conveyancing has inadvertently left a gap area within the site and the former owners are no longer around to sort matters out. We would reiterate the view expressed in our oral evidence that the proposed 7 year period of abandonment by the true owner before an a non domino disposition can be submitted to the Land Register is too long. The fact that a further period of 10 years would require to run before the applicant under the a non domino disposition could obtain the Keeper's title guarantee should be borne in mind. The true owner of the property would be able to challenge the a non domino title at any time within that 10 year period. We also consider that the requirement to prove a period of abandonment by the true owner will lead to evidential difficulties as it will be extremely difficult, if not impossible, to prove abandonment over a lengthy period.

Section 108 – the new offence
We would reiterate that we do not support the introduction of the new offence, which we consider to be unnecessary. We are concerned that this section could
criminalise the conduct of an innocent solicitor who makes a genuine error in a registration application or who relies on incorrect information provided by their client. We also have concerns regarding the general nature of the wording used in subsections (3) and (4). It is not clear what steps solicitors would require to take to enable them to establish the defence of taking "all reasonable precautions" and exercising "all due diligence" to avoid commission of the offence. We endorse the views contained in the written submission made by the Law Society of Scotland in advance of them giving oral evidence to the Committee on 11 January 2012.

**Advance Notices**

As mentioned in our oral evidence, we would welcome clarification in the Bill as to whether an advance notice submitted in respect of a disposition from A to B would also protect B's funder, or whether a separate advance notice would be required in respect of the standard security to be granted by B to its funder.

**Section 33 – the one-shot principle**

As expressed in our response to the consultation carried out by Registers of Scotland on the Scottish Law Commission's draft Bill, we have concerns about the proposed "one-shot principle", whereby an application may not be substituted or amended after the date of application unless the Keeper consents. While we agree that conveyancers should take care to ensure that any application submitted to the Keeper is complete and accurate, the current system of requisitions can be very useful. We consider that it is reasonable for the one-shot principle to be used where an error or omission is so serious as to result in rejection of an application within one or two days after receipt by the Keeper, but we have significant concerns about it potentially being used to cancel an application many months after the application was accepted by the Keeper. If the Keeper proposes to cancel an application which was accepted for registration more than a few days earlier, our view is that the applicant should be given an opportunity to attempt to resolve the relevant issue before the application is cancelled. Consideration should be given to specifying an appropriate period after which the Keeper would not be able to cancel an application without giving the applicant such an opportunity.

Dundas & Wilson CS LLP
20 January 2012