SUPPLEMENTARY SUBMISSION FROM THE LAW SOCIETY OF SCOTLAND (3)

Re: Land Registration (Scotland) Bill- Oral Evidence

We write in relation to the above bill, and the oral evidence of the 25 January 2012, at which the Keeper of the Register, Sheenagh Adams and the head of the bill team, Gavin Henderson, appeared before the Committee as witnesses.

As we understand from the Official Report of that evidence session (page 874) Sheenagh Adams indicated that the judicial Factor of the Law Society of Scotland (Morna Grandison) was of the view that section 108 (the offence provision) was necessary, in particular the Keeper stated:

'Obviously, section 108 has been included in the bill on the advice of the police force, those who are responsible for dealing with serious crime and the Lord Advocate. Indeed, the judicial factor in the Law Society of Scotland has taken the view that the section is a necessary and helpful addition to the tools that are available to combat fraud'

This statement is incorrect in so far as the Judicial Factor of the Society has given no such view that the section is either necessary or helpful.

We also note that the Keeper, in relation to rejection fees, indicated that the Society 'strongly supports the rejection fee' (page 876). Again, this is not the case. To clarify, the Society has been working closely with the RoS over recent years to reduce the number of rejected applications, and although the Society did not object to the introduction of a 'rejection fee, we did not offer support of this.

We would ask that you bring the above points to the Committee's attention.

If you have any questions in relation to this, please contact Brian Simpson or John Scott direct.

The Keeper has been provided with a copy of this correspondence.

The Law Society of Scotland
1 February 2012