SUBMISSION FROM ROBERT RENNIE

I was a member of the advisory committee at the Law Commission when the various discussion papers and reports were produced. I am currently a member of the group advising the bill managers.

I support the main aims of the bill. In particular:-

1. I support the introduction of Advance Notices to protect against intervening competing deeds and diligences.

2. I support the radical change in relation to rectification and realignment; the previous law preferring the registered proprietor in possession did not work fairly and was impossible to explain to innocent people who lost land and then had to argue for compensation. In my own experience neither the Keeper’s staff nor myself as an expert giving opinions was ever able to convince such a person that they had not been “robbed” of their land.

3. I have given serious thought to question of provisional title sheets for common rights as a means of ameliorating the effects of the PMP decision and reluctantly come to the conclusion that they are too complicated to work. I am not convinced that builders would grant a deed of ascertainment at the end of the day. I agree that these provisions be dropped. There is no point in passing legislation which causes more problems than were there in the first place.

4. The new statutory right given to the Keeper to sue solicitors where an inaccuracy in the Register is caused by the carelessness of a solicitor is controversial but some years ago I gave an opinion for the Keeper to the effect that there was a common law duty of care owed by solicitors to the Keeper in any case.

5. I am pleased that there is a new provision which allows the Keeper to confirm acceptance of an application and that there will be a time limit set out in a statutory instrument.

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