Submission from the Registers of Scotland

Thank you for the opportunity to respond to the call for evidence as part of the Committee’s Stage 1 consideration of the Bill.

My role as Keeper of the Registers of Scotland will only be impacted minimally by the provisions in the Bill. I would anticipate that many of the documents executed in this way will not require to be registered or recorded in any of the legal registers for which I am responsible. Where such registration or recording does occur, there will be a small amount of retraining required for my staff, but I do not anticipate that this will go beyond the regular development training that we undertake.

To the extent that the Bill provides greater flexibility in relation to execution of legal documents, as with the amendments made to the Requirements of Writing (Scotland) Act 1995 by the Land Registration etc. (Scotland) Act 2012, I consider that will provide useful options for those engaged in negotiation and execution of such documents.

I note that in the Committee’s evidence session of 17 June, the issue of an electronic document repository, possibly run by Registers of Scotland, was brought up. I wanted to take this opportunity to confirm that Register of Scotland is open to the idea of operating such a depository subject. I understand that the Scottish Government intend to turn to this aspect of the Scottish Law Commission’s Report in due course. I will be happy to come back to the Committee with further detail on what RoS may provide once we have looked at the detail of any system and sought further views from colleagues in Scottish Government and our customers.