Environment, Climate Change and Land Reform Committee

Inquiry into Land Register of Scotland: progress of local authorities in registering their land

Written submission from North Ayrshire Council

The current position is that North Ayrshire Council has approximately 6500 titles of which less than 5% are registered.

I understand that in May 2014, Scottish Ministers asked the Keeper of the Registers of Scotland to complete the land register by 2024, and to register all public land by 2019. My understanding is that the duty to register land is on the Registers of Scotland rather than individual authorities. In the absence of additional funding, the extent to which local authorities are able to support this will inevitably depend on the extent to which funding can be found at the expense of other priorities.

Clearly there are advantages in completion of the Land Register, which include:

- property boundaries that are clearly recorded and shown using the Ordnance Survey map;
- all the restrictions, burdens and securities set out in one place;
- an easier, faster, and less expensive way to transact with property;
- clarity of land ownership.

I met with a representative from Registers of Scotland at the turn of the year to discuss completion of the Register. The background to this meeting was a letter from the Registers which contained the following information:

"To support public bodies further, the Keeper of the Registers of Scotland has agreed with Scottish Ministers that she will include relevant public sector titles in the programme of Keeper-induced registration (KIR) on which she is about to embark. (KIR, a power introduced in the Land Registration etc. (Scotland) Act 2012, allows RoS to transfer titles from the sasine register to the land register without an application from the owner.) The titles that will be included in the KIR programme are primarily urban, residential areas where we have already undertaken research on the root of title and hold a lot of information due to the large numbers of properties that have already come on to the land register. We expect to add around 200,000 local authority titles to the land register by 2019 through the KIR programme. We estimate that this will leave around 90,000 titles across the 32 local authorities to come on to the land register through voluntary registration. We are keen to work with you on this and help you to develop an efficient and effective plan."

I can see the advantage of targeting the KIR programme at filling in gaps. Subject to availability of resource, we are happy to support this.

However, the 90,000 remaining local authority titles will be the difficult ones. Initial pilot work to gauge the resources required showed that this would require significant levels of resource over a prolonged period. Against a background of budget pressures and resultant reductions in staff numbers, at a time of increasing demand,
this is unlikely to be a priority. When so many potential Council savings inevitably involve risk to service users, it is difficult to make a case why completion of the register should be a Council priority, nice though it would be.

Accordingly I would not expect the Council’s titles to be fully land registered by 2019. If completion of the Register is to be a Government priority, there will have to be additional funding made available. Reduction of land registration fees is not sufficient on its own as this does not deal with the in-house legal and estates resource required.

I know this is not the answer you would have liked. Inevitably this response reflects the difficulties of making resources available for ‘nice to do’ priorities at a time of budget pressure and increasing demand for essential services.

Elma Murray
Chief Executive