Environment, Climate Change and Land Reform Committee

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

Written submission from Inverclyde Council

The Council is completing voluntary registrations on a case by case basis in relation to certain complex titles in advance of a property being sold or forming part of a major project. It will only undertake this where the sale or project justifies the resources involved in this process. It is not seeking to voluntarily register all of its land and property. Every such registration involves significant officer time, and payment of fees to the Registers of Scotland for reports, copy deeds and the registration itself. As has been explained in the Council response submitted to the Registers of Scotland’s 2014 consultation on Land Register completion, taken in the context of other demands on resources, the Council is not in a position to devote those resources to a wholesale program of voluntary registrations.

As you will acknowledge, there is as yet no legal requirement to complete land registration of all local authority properties. In view of the available resources and the nature of the task, it will not be possible for this Council to complete registration by 2019. In view of the issues involved, I would anticipate the Council's position may be shared with the majority of other Scottish local authorities.

For your further assistance, the Council indicated the following in its response to the above mentioned 2014 consultation, and I think it is also relevant here in response to the Committee's enquiry.

"Without a significant injection of funding and resources, we do not consider the five year timescale for completion of the registration of all public land and property to be achievable. Without such targeted funding, it is considered it will be difficult to justify either to our Elected Members or simply in terms of best value principles the diversion of resources from front line Local Authority services, with the resultant impact on the provision of those services, to progress such an exercise. This is particularly the case in relation to operational assets where there is no intention to sell, lease or grant security, and therefore little benefit to the Local Authority or its constituents in the completion of a Land Registration application.

Both the Scottish Government and the Registers of Scotland, itself a public body, will be aware of the funding restraints currently affecting all parts of the public sector.

Both the Scottish Government and the Registers of Scotland will also be aware of contraction in the market for property related legal services at the time of the 2008 economic downturn, and the staff reductions in the profession that followed thereon. It is anticipated this will have resulted in a skills gap in this area of work, particularly as first registrations can in many cases be complex and require experienced practitioners to deal with them. It is anticipated this skills gap may therefore be a further issue should Local Authorities wish to outsource such work, or recruit further staff to deal with the same."

Aubrey Fawcett
Chief Executive