



**PUBLIC PETITION NO.**

**PE01676**

**Name of petitioner**

Tony Rosser

**Petition title**

The Land Registration etc. (Scotland) Act 2012

**Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to review the Land Registration etc. (Scotland) Act 2012, particularly with regard to i) the cadastral map and ii) the provision of supporting materials such as death certificates.

**Action taken to resolve issues of concern before submitting the petition**

I have raised the issue with Christina McKelvie MSP and with the Scottish Government (Keith Brown, Cabinet Secretary for Economy, Jobs and Fair Work).

**Petition background information**

I have submitted this petition after experiencing difficulties in seeking reinstatement of correct boundary on title deeds. My experience has led me to believe that there are two major flaws in the Land Registration etc. (Scotland) Act 2012.

Section 11 of the Act covers provision of detail to be set out on the cadastral map, in relation to unit boundaries and otherwise depicting registered rights in such a manner as the Registers of Scotland Keeper considers appropriate. The cadastral map must be based on the base map being the Ordnance map, as chosen by RoS. To avoid any inaccuracies or questions about the validity of updated Ordnance Survey maps received by the RoS, I would like it to be mandatory for the RoS to check their validity against the current cadastral map. Where maps are in dispute the RoS should arrange a re-survey (to be conducted by OS or RoS) of the property physical boundaries, and proprietors should have the opportunity to question/approve the revised cadastral plan/title deed plan. I should note that OS do not delineate boundaries on their maps, a solid line denotes a man-made feature greater than 0.3m high (eg. fences walls and hedges), and a dotted line for a feature less than 0.3m (eg. a kerb). From information provided by the Scottish Government, I became aware that there are hundreds of maptiles updated each week. This could cover a lot of property owners, and I consider that the Act needs to be reviewed to ensure that other property owners do not experience similar difficulties to those that I faced.

Additionally, where RoS receive a request to revise a title deed plan to indicate the demise of a proprietor this should in my opinion be supported by a death certificate, original or certified copy. As inaccurate information was provided by my solicitor to RoS it led to my Title Deed error which meant that I had to seek legal assistance for RoS to

...due to my title deed error, which meant that I had to seek legal assistance for fees to correct this. Provision of a death certificate negates the possibility of error by a proprietor or solicitor and, in extreme cases, could prevent fraud. My understanding is that the submission of supporting material such as death certificates was commonplace under previous legislation that supported land registration, and the removal of that requirement from the current legislation has created a major flaw in the process.

It is essential that all information on revising title deeds is accurate and that there are suitable and robust checking mechanisms in place.

#### Unique web address

<http://www.parliament.scot/GettingInvolved/Petitions/landregistration>

#### Related information for petition

**Do you wish your petition to be hosted on the Parliament's website to collect signatures online?**

YES

**How many signatures have you collected so far?**

0

**Closing date for collecting signatures online**

12 / 11 / 2017

#### Comments to stimulate online discussion

1. Have you experienced difficulties similar to those demonstrated in my petition?
2. Have you experienced issues relating to other aspects of the Land Registration etc. (Scotland) Act 2012?
3. Do you agree that the Act should be subject to a review, to address the flaws highlighted in my petition?