

**Environment, Climate Change and Land Reform Committee****Inquiry into Land Register of Scotland: progress of local authorities in registering their land****Written submission from Orkney Council**

I confirm that I am aware that the Scottish Ministers are committed to completing the Land Register by having all land in Scotland registered in the Land Register, with all publicly owned land to be registered by December 2019 and privately owned land to be registered by December 2024.

My understanding is that the deadline of December 2019 is not legally binding, albeit that there is a strong expectation from Scottish Ministers that all public authorities and the Registers of Scotland should ensure that the timescale is complied with.

Orkney Islands Council is committed to supporting the registration of public land to the extent that we are able through our resources. Unfortunately the aforementioned Ministerial expectation would have considerable additional financial and staff resource implications for this Council at a time of reducing public funding from the Scottish Government for key services such as social care, education and housing.

By way of illustration, the vast majority of Council owned land, such as housing and industrial estates, is still held on the Sasine Register, having been acquired prior to the introduction of the land registration system in Orkney in 2003. By contrast, land registration had been introduced in other parts of Scotland at a much earlier stage, for example, in Renfrew in 1981. The late introduction of land registration to Orkney means that only Council property acquired from 2003 onwards is already on the Land Register. A high proportion of Orkney property is therefore still recorded in the Sasine Register, not having changed hands in the intervening period.

In addition to the large volume of titles concerned, a significant number of individual properties are particularly problematic. For example, much of the land for the Council's social housing was purchased in the mid twentieth century. The Council has been selling local authority houses to tenants under the right to buy scheme since 1981. In order to register the Council's title to each of its housing developments in the Land Register it will be necessary to examine copy title deeds for all houses which have been sold over more than 30 years, (currently totalling in excess of 1,300), with a jigsaw of different parcels of land to be plotted in order that plans may be drawn up showing the current extent of the Council's remaining land ownership in each housing estate. Searches will require to be carried out, copy deeds purchased and title investigations undertaken in order that an application for registration can be prepared for each estate. This will require considerable staffing resources from various services across the Council.

Prior to preparation of an application it will be necessary to investigate each title in order to confirm precise boundaries, which will be particularly difficult for those titles which do not have a plan at all, but only a historic boundary description. The Council's Legal Services will require to liaise closely with

both Estates and the particular service department concerned, which will put pressure on the workload of these services.

In most cases it will be necessary for a new title plan to be prepared, since even where a Sasine title has a plan, it is unlikely that plan will meet the current stringent criteria for plans suitable for registration of title. It will be necessary for a new plan to be prepared for most applications and this will have a considerable impact on the workload of staff in the relevant service area which has responsibility for preparation of new title plans.

In addition to financial and staffing costs the Council will have to pay a registration fee to Registers of Scotland for each individual application for registration it makes. The registration fee for each application is based on the value of the property.

Council owned property covers a wide range of valuations but even if every Council owned property incurred the minimum application fee of £45 (which they will not), this would amount to well in excess of £45,000 in registration fees alone.

In light of the significant cost implications outlined above, and the absence of the additional resources required to address these challenges, I confirm that the Council is progressing with registration, but is having to do so within existing limited resources. You may be aware that we invited representatives from Registers of Scotland to Orkney in February of this year to raise these issues and to establish what help, if any, was available.

On this basis, I confirm that it is highly unlikely that Orkney Islands Council will be in a position to register all of its land in the Land Register by December 2019.

I suspect that the position set out above is not unique to this Council and you may be aware that discussions have been taking place between the Convention of Scottish Local Authorities and Scottish Government to discuss how registration of all local authority land can be taken forward in the context of the financial constraints affecting local authorities in Scotland.

Alistair Buchan  
Chief Executive