

PE1672/B

Petitioner submission of 15 February 2018

Thank you for your e-mail of 31 Jan 2018 and the Scottish Government's response.

My petition mentioned that I quite understood the law on Prescription, and the reason for a 20 year cut off point. The liability cannot be carried in perpetuity.

The suggestion raised ie, that the purchaser of property could receive a letter of notification specifying what information has been submitted to the Register of Scotland [RoS] which will therefore inform purchasers immediately at the time of purchasing a property whether title has been adequately registered would certainly address the issue at the time of purchase, but not, if for whatever reason, something goes wrong thereafter.

Having discussed this matter with another petitioner [PE1676], it appears that the Register of Scotland changed their system of registering from their Sasine based system to one based on an Ordinance Survey without checking by RoS and validating against their current Title Plan holding, also without advising the title holders, thus the discrepancy in my case, if my understanding is correct. How many title holders will have problems when applying to RoS on completion of a mortgage, selling a property, or winding up an estate.?

However, for whatever reason discrepancies are discovered at the time of sale after the 20 year cut off period there should be some mechanisation in place to cover the title deed holder for what could be a disastrous situation. It is without doubt that the vast majority of ordinary title deed holders are unaware of this 20 year cut off period.

Therefore, I continue to advocate that titles should be re-insured at least a year before the 20 year cut off period. This would enable proprietors to check the validity of their Title Plan, thereby allowing an amendment to the Title Map before the property is put up for sale. Also I suggest the Scottish Government should introduce an awareness scheme through the RoS at the time of registration, of this 20 year cut off period.

I shall be grateful if you will consider the abovementioned comments, bearing in mind in an extreme situation a family could lose their home.