

Devlin C (Catherine)


From: Devlin C (Catherine)
Sent: 14 November 2016 09:17
To: Corbett, Martin
Subject: RE: MACCS: New case 2016/0037649 allocated.

Martin

Thanks, I will transfer it now.

Regards
Catherine

Catherine Devlin
Family & Property Law
Ext 44213

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From: Corbett, Martin [mailto:Martin.Corbett@ros.gov.uk]
Sent: 14 November 2016 09:16
To: Devlin C (Catherine); Policy Unit
Cc: Jack S (Sandra)
Subject: RE: MACCS: New case 2016/0037649 allocated.

Catherine

Yes, that looks to be one for RoS to take – I'll let the Secretariat know that it's on its way.

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528
3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Catherine.Devlin@gov.scot [mailto:Catherine.Devlin@gov.scot]
Sent: 14 November 2016 08:49
To: Policy Unit
Cc: Corbett, Martin; Sandra.Jack@gov.scot
Subject: FW: MACCS: New case 2016/0037649 allocated.

Policy Unit

Please see attached MACCS case.


You will note that it is mostly in relation to RoS policy with regards to title maps and how RoS accepts information regarding the potential death of a property owner.

The final paragraph is in relation to the Scottish Public Services Act 2002, to which you may wish to seek a contribution from John Wallace, Tribunals and Administrative Justice Policy Team. John's contact details are: email john.wallace@gov.scot or telephone 01312443634.

Grateful if you could confirm you are content for this to be transferred to RoS Secretariat to allow RoS to respond.

Regards
Catherine

Catherine Devlin | Policy Advisor | Family and Property Law | Civil Law & Legal System Division | Scottish Government | St Andrews House | Regent Road | Edinburgh | EH1 3DG | (0131) 244 4213

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-----Original Message-----

From: MACCS [<mailto:maccs@scotland.gsi.gov.uk>]
Sent: 11 November 2016 15:12
To: Devlin C (Catherine)
Subject: MACCS: New case 2016/0037649 allocated.

Ministerial and Corporate Correspondence System:

Please see case 20160037649 which has been allocated to you. The current target date for this case is 25/11/2016.

<http://s0842a/MACCS/CaseDetail.aspx?c=20160037649>

If this correspondence contains a complaint as defined in the Complaints Handling Policy please remember that it needs to be dealt with in accordance with those procedures. <http://scotland.gov.uk/Contacts/Have-Your-Say/Making-Complaints/complaintshandling>

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If the case includes a request for information, see guidance on FOI and MACCS. <http://goo.gl/LqHTbx>

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Devlin C (Catherine)

From: Wallace J (John)
Sent: 23 November 2016 14:37
To: Murray, Harry
Cc: Devlin C (Catherine)
Subject: RE: MACCS: New case 2016/0037649 allocated.

Hi Harry,

Sorry was in a meeting all morning.

I will have something for you within the hour.

Kind Regards

John



John Wallace
Policy Officer
Tribunals and Administrative Justice Policy
☎0131 244 3634 📧john.wallace@gov.scot
📍**Scottish Government**, GW15, St Andrews House, Regents Road, Edinburgh, EH1 3DG

From: Murray, Harry [mailto:Harry.Murray@ros.gov.uk]
Sent: 23 November 2016 14:36
To: Wallace J (John)
Cc: Devlin C (Catherine)
Subject: RE: MACCS: New case 2016/0037649 allocated.

Good afternoon John,

Apologies for pestering you however I have now passed the draft response to the above MACCS case to the Keeper for approval - addressing the first 3 points in the letter which fall to RoS to consider. As you will know the target date for this case is this Friday (25/11/16).

In the absence of input into the 4th point (concerning the Scottish Public Services Act 2002), my head of policy has asked me to return the draft to the correspondence section in order that you may finalise the response.

Many thanks, Harry

From: Murray, Harry
Sent: 15 November 2016 14:27
To: 'john.wallace@gov.scot'
Subject: FW: MACCS: New case 2016/0037649 allocated.

Good afternoon John,

Catherine Devlin has suggested you as a point of contact in relation to the attached MACCS case, and in particular a contribution around point 4 on the Scottish Public Services Act 2002. In order to meet the SG deadline I've been asked to prepare a draft for the Keeper by Wed 23, therefore any contribution by Tues 22 would be greatly appreciated.

While I have not yet had a chance to fully investigate, from my initial review of the issues I anticipate the general tenor of the Keepers response to point 1 to 3 in the letter will be that amendments to the Land Registration etc. (Scotland) Act 2012 are not necessary with the legislation currently providing mechanisms to deal with scenarios outlined.

Many thanks,
Harry

Harry Murray | Policy Unit | Registers of Scotland | 0131 479
3680 | harry.murray@ros.gov.uk | www.ros.gov.uk

From: Catherine.Devlin@gov.scot [<mailto:Catherine.Devlin@gov.scot>]
Sent: 14 November 2016 08:49
To: Policy Unit
Cc: Corbett, Martin; Sandra.Jack@gov.scot
Subject: FW: MACCS: New case 2016/0037649 allocated.

Policy Unit

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Regards
Catherine

Catherine Devlin | Policy Advisor | Family and Property Law | Civil Law & Legal System Division | Scottish Government | St Andrews House | Regent Road | Edinburgh | EH1 3DG | (0131) 244 4213

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

Devlin C (Catherine)

From: Murray, Harry <Harry.Murray@ros.gov.uk>
Sent: 23 November 2016 15:29
To: Wallace J (John)
Cc: Devlin C (Catherine)
Subject: RE: MACCS: New case 2016/0037649 allocated.

Thanks John – much appreciated.

From: John.Wallace@gov.scot [mailto:John.Wallace@gov.scot]
Sent: 23 November 2016 14:56
To: Murray, Harry
Cc: Catherine.Devlin@gov.scot
Subject: RE: MACCS: New case 2016/0037649 allocated.

Hi Harry,

Sorry for the delay on this.

With regards the SPSO the line for government regarding changes to the way it works,

The SPSO is functionally independent of the Scottish Government, in order to safeguard its investigations and decision-making processes (The SPSO has powers to investigate complaints against the Scottish Government, its agencies and departments). It is a parliamentary body which functions autonomously and as such it would be for the Scottish Parliament to review the founding legislation of the SPSO.

I hope that you feel that this is sufficient.

Kind Regards

John



John Wallace
Policy Officer
Tribunals and Administrative Justice Policy
☎ 0131 244 3634 ✉ john.wallace@gov.scot
📍 **Scottish Government**, GW15, St Andrews House, Regents Road, Edinburgh, EH1 3DG

From: Murray, Harry [mailto:Harry.Murray@ros.gov.uk]
Sent: 23 November 2016 14:36
To: Wallace J (John)
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Many thanks,
Harry

Harry Murray | Policy Unit | Registers of Scotland | 0131 479
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From: Catherine.Devlin@gov.scot [<mailto:Catherine.Devlin@gov.scot>]
Sent: 14 November 2016 08:49
To: Policy Unit
Cc: Corbett, Martin; Sandra.Jack@gov.scot
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Grateful if you could confirm you are content for this to be transferred to RoS Secretariat to allow RoS to respond.

Regards
Catherine

Catherine Devlin | Policy Advisor | Family and Property Law | Civil Law & Legal System Division | Scottish Government | St Andrews House | Regent Road | Edinburgh | EH1 3DG | (0131) 244 4213

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Devlin C (Catherine)

From: Miller, Colin <colin.miller@ros.gov.uk>
Sent: 29 December 2016 09:40
To: Stockwell SW (Simon)
Cc: Corbett, Martin; Murray, Harry; Wallace J (John); RoS Secretariat; Marshall J (Jan); Jack S (Sandra); Devlin C (Catherine); Fisher G (Graham)
Subject: RE: Christina McKelvie meeting

Many thanks Simon – that's very helpful. If you need any further background let me know and we'll send you the relevant papers.

With best wishes,

Colin

Colin Miller / Head of Policy and Legal / Registers of Scotland/ 0131 528 3896/ [REDACTED]
[REDACTED] / colin.miller@ros.gov.uk / www.ros.gov.uk

From: Simon.Stockwell@gov.scot [mailto:Simon.Stockwell@gov.scot]
Sent: 29 December 2016 09:25
To: Miller, Colin <colin.miller@ros.gov.uk>
Cc: Corbett, Martin <Martin.Corbett@ros.gov.uk>; Murray, Harry <Harry.Murray@ros.gov.uk>; John.Wallace@gov.scot; RoS Secretariat <rossecretariat@ros.gov.uk>; Jan.Marshall@gov.scot; Sandra.Jack@gov.scot; Catherine.Devlin@gov.scot; Graham.Fisher@gov.scot
Subject: RE: Christina McKelvie meeting

Colin

Just to confirm that I am happy to attend the forthcoming meeting between Mr Brown and Christina McKelvie MSP.

I'll go through the documents and revert if I have any queries.

Simon Stockwell
X 43322
0131 244 3322

From: Miller, Colin [<mailto:colin.miller@ros.gov.uk>]
Sent: 28 December 2016 16:32
To: Stockwell SW (Simon)
Cc: Corbett, Martin; Murray, Harry; Wallace J (John); RoS Secretariat
Subject: FW: Christina McKelvie meeting

Simon

You are probably already familiar with this case involving [REDACTED] which has been through several rounds of Ministerial correspondence as well as a complaint to the SPSO.

We have replied to each of the previous letters on the basis that the original starting point was decisions taken by RoS, and then RoS policy and practice in relation to certain matters, but as you'll see from [REDACTED] most recent letter of [REDACTED] their focus is now on 3 specific changes which they believe should be made to the Land Registration etc (Scotland) Act 2012 in the light of various difficulties which arose in

their case. As you'll see they also believe that a change should be made to the legislation governing the SPSO (the Scottish Public Services Ombudsman Act 2002). The Keeper's most recent letter of 29 November explained why she did not consider that there was any need for amendments to be made to the 2012 Act along the lines proposed by [REDACTED] and pointed out that as the SPSO is a parliamentary body it would be for the Scottish Parliament to review the relevant legislation governing the SPSO.

[REDACTED] letter of [REDACTED] reiterates their belief that changes should be made to both the 2012 Act and the 2002 Act; and the Cabinet Secretary for Economy, Jobs and Fair Work, Mr Brown, has agreed to meet Christina McKelvie MSP to discuss the issues raised by her constituents. Mr Brown's office has indicated that they would like an official from Registers of Scotland to attend that meeting, which will probably be Martin [REDACTED]. However it is obviously ultimately a matter for the SG not RoS to advise Ministers whether amendments should be made to legislation, and in respect of the 2012 Act (although not of course the SPSO's founding legislation) that would presumably fall to you. Would you therefore be prepared to attend the forthcoming meeting between Mr Brown and Christina McKelvie MSP with that in mind?

I'm also copying this e-mail to John Wallace in the Tribunals and Administrative Justice Policy team to consider what briefing might be provided for the Minister about the point raised in respect of the point raised in respect of the Scottish Public Services Ombudsman Act 2002.

Happy to discuss if it would be helpful to do so when you've both had a chance to consider.

Colin

Colin Miller / Head of Policy and Legal / Registers of Scotland/ 0131 528 3896/[REDACTED]
[REDACTED] / colin.miller@ros.gov.uk / www.ros.gov.uk

From: Murray, Harry
Sent: 22 December 2016 14:38
To: Miller, Colin
Cc: Corbett, Martin
Subject: Christina McKelvie meeting

Colin

I've included the 4 following attachments, some of which may be useful in providing Simon Stockwell with background on the issues likely to be discussed at the meeting being proposed by Keith Brown's office.

- [REDACTED]

The hard copies of the earlier correspondence are now on your desk.

Harry

Harry Murray
Policy Unit
0131 479 3680

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Devlin C (Catherine)

From: Stockwell SW (Simon)
Sent: 29 December 2016 09:27
To: Jack S (Sandra); Devlin C (Catherine)
Subject: FW: Christina McKelvie meeting
Attachments: SPSO complaint response 27 May.pdf; Constituents letter 13 Dec.pdf; Letter 4 Oct & Keeper response.pdf; Letter 4 Oct & Keeper response.pdf

Sandra (on return)
Catherine (on return)

Grateful for a word. Have we seen any correspondence from [REDACTED] (Doesn't ring any bells with me).

Simon x 43322

Colin

Just to confirm that I am happy to attend the forthcoming meeting between Mr Brown and Christina McKelvie MSP.

I'll go through the documents and revert if I have any queries.

Simon Stockwell
X 43322
0131 244 3322

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[REDACTED] letter of [REDACTED] reiterates their belief that changes should be made to both the 2012 Act and the 2002 Act; and the Cabinet Secretary for Economy, Jobs and Fair Work, Mr Brown, has agreed to meet Christina McKelvie MSP to discuss the issues raised by her constituents. Mr Brown's

office has indicated that they would like an official from Registers of Scotland to attend that meeting, which will probably be Martin [REDACTED]. However it is obviously ultimately a matter for the SG not RoS to advise Ministers whether amendments should be made to legislation, and in respect of the 2012 Act (although not of course the SPSO's founding legislation) that would presumably fall to you. Would you therefore be prepared to attend the forthcoming meeting between Mr Brown and Christina McKelvie MSP with that in mind?

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Colin

Colin Miller / Head of Policy and Legal / Registers of Scotland/ 0131 528 3896/[REDACTED]
[REDACTED] / colin.miller@ros.gov.uk / www.ros.gov.uk

From: Murray, Harry
Sent: 22 December 2016 14:38
To: Miller, Colin
Cc: Corbett, Martin
Subject: Christina McKelvie meeting

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- [REDACTED]

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Harry Murray
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0131 479 3680

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Devlin C (Catherine)

From: Wallace S (Sandra)
Sent: 11 January 2017 16:16
To: Corbett, Martin; Jack S (Sandra)
Cc: Stockwell SW (Simon); Devlin C (Catherine); Murray, Harry; McKay A (Alicia)
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP
Attachments: BRIEFING NOTE - SPSO Act 2002.doc

Martin

Please find attached a briefing note which covers the SPSO issue.

I hope this meets your requirements. I am out of the office most of tomorrow so if you need anything else I will pick up on Friday.

Thanks

Sandra

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 10 January 2017 13:46
To: Wallace S (Sandra); Jack S (Sandra)
Cc: Stockwell SW (Simon); Devlin C (Catherine); Murray, Harry; McKay A (Alicia)
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Sandra

We need to clear the draft briefing with the Keeper on Friday morning, so if possible it would be helpful if you could get something to us for c.o.p. Thursday.

Thanks

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Sandra.Wallace@gov.scot [<mailto:Sandra.Wallace@gov.scot>]
Sent: 10 January 2017 13:35
To: Corbett, Martin; Sandra.Jack@gov.scot
Cc: Simon.Stockwell@gov.scot; Catherine.Devlin@gov.scot; Murray, Harry; Alicia.McKay@gov.scot
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Martin

I've discussed with Alicia and we will provide you with a contribution and line to take. I will get in touch with SPSO and SPCB in the first instance – what is the deadline to get this to you?

Sandra

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 10 January 2017 12:53

To: Wallace S (Sandra); Jack S (Sandra)
Cc: Stockwell SW (Simon); Devlin C (Catherine); Murray, Harry; McKay A (Alicia)
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Sandra

Thanks – we'd appreciate any input you can give. The key issue seems to be whether the legislation gives complainers sufficient transparency around the investigation of their complaint and any exchanges between SPSO and the body that has been complained about. Also to clarify whether that is a point on which Ministers could appropriately consider legislative change or not, given that SPSO is autonomous and responsible to Parliament.

It might be helpful if you could also confirm whether it would be appropriate for us to let SPSO see the submission that we'll give Mr Brown and/or to give them an opportunity to input. If so, can you give us contact details for the appropriate person?

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Sandra.Wallace@gov.scot [<mailto:Sandra.Wallace@gov.scot>]
Sent: 10 January 2017 12:44
To: Corbett, Martin; Sandra.Jack@gov.scot
Cc: Simon.Stockwell@gov.scot; Catherine.Devlin@gov.scot; Murray, Harry; Alicia.McKay@gov.scot
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Martin

I am not sure how much I will be able to help as we don't have responsibility for the legislation relating to the SPSO. We have a co-ordinating role to provide advice to policy areas who are looking to confer functions on the SPSO. We liaise between the policy area/SPSO and SPCB and have developed a couple of papers in that regard mainly around the process for setting something up and funding. I will have a word with Alicia McKay (copied in) who heads up our team and see if there is anything else we can offer.

Sandra

Sandra Wallace
Tribunals and Administrative Justice Policy
GW-15
St Andrew's House
Edinburgh
Tel: 0131 244 5764

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 10 January 2017 12:31
To: Jack S (Sandra)
Cc: Stockwell SW (Simon); Wallace S (Sandra); Devlin C (Catherine); Murray, Harry
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Thanks Sandra – that's helpful. Look forward to hearing.

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

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Cc: Simon.Stockwell@gov.scot; Sandra.Wallace@gov.scot; Catherine.Devlin@gov.scot
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Martin

I can confirm that Simon is free on the 19th of January.

Sandra Wallace of the Tribunals and Administrative Justice Policy team may be able to provide some briefing on the point raised on the SPSO legislation. I have advised that the meeting is to be held on the 19th. They will let me know if they can assist.

I will revert to you shortly.

Many thanks.

Sandra

Sandra Jack
Family & Property Law Team
Tel no. 0131 244 2025

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 10 January 2017 11:47
To: Jack S (Sandra)
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP
Importance: High

Sandra

I've got Simon's out of office. Can you confirm whether he is available for the meeting on 19th January? Can you also confirm who is the appropriate person to comment on the SPSO legislation?

Thanks

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Corbett, Martin
Sent: 10 January 2017 11:45
To: simon.stockwell@gov.scot
Cc: Murray, Harry
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP
Importance: High

Simon

Colin had discussed this with you, as the question to be answered is primarily whether there is a justification for legislative change. Can you confirm whether you are available for the meeting?

We're working on a briefing for Mr Brown. I'll let you see a draft tomorrow.

One of the issues is whether the SPSO Act should be amended to increase transparency. Colin had copied in John Wallace for comment on that point, but I am unsure whether he is the correct person. Can you confirm? I assume we need this to be looked at by whoever is the SG sponsor for SPSO.

Thanks

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: [REDACTED] **On Behalf Of** CabSecEJFW@gov.scot
Sent: 10 January 2017 10:48
To: Corbett, Martin
Cc: CabSecEJFW@gov.scot
Subject: Meeting with Mr Brown and Christina McKelvie MSP

Hi Martin

Mr Brown is meeting Christina McKelvie MSP to discuss matters mentioned in the attached document. I spoke to Ray to ask if an official from RoS could also attend and he asked me to contact you. The meeting with Ms McKelvie is on Thursday 19 January at 16.00-16.45. Could you please let me know if you will be available to attend this slot?

Kind regards

[REDACTED]

[REDACTED]
Keith Brown MSP - Cabinet Secretary for Economy, Jobs and Fair Work
2N.08 | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | [REDACTED]
CabSecEJFW@gov.scot

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Devlin C (Catherine)

From: Stockwell SW (Simon)
Sent: 15 June 2017 14:26
To: Devlin C (Catherine)
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP

From: Corbett, Martin [mailto:Martin.Corbett@ros.gov.uk]
Sent: 12 January 2017 14:11
To: Cabinet Secretary for Economy, Jobs and Fair Work; [REDACTED]
Cc: Stockwell SW (Simon); RoS Secretariat; Murray, Harry; Jack S (Sandra)
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Simon

We will aim to get a briefing to you on Tuesday. If you are aware of particular points on [REDACTED]

Thanks

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: [REDACTED] On Behalf Of CabSecEJFW@gov.scot
Sent: 11 January 2017 17:27
To: Corbett, Martin; CabSecEJFW@gov.scot; [REDACTED]
Cc: Simon.Stockwell@gov.scot; RoS Secretariat; Murray, Harry; Sandra.Jack@gov.scot
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Martin,

Thanks for this – you should be aware [REDACTED]

[REDACTED]

[REDACTED] to Keith Brown MSP, Cabinet Secretary for Economy, Jobs and Fair Work
The Scottish Government | St Andrew's House, Edinburgh, EH1 3DG | Web: www.gov.scot
Tel: [REDACTED] Email: CabSecEJFW@gov.scot

From: Corbett, Martin [mailto:Martin.Corbett@ros.gov.uk]
Sent: 11 January 2017 09:11
To: Cabinet Secretary for Economy, Jobs and Fair Work; [REDACTED]
Cc: Stockwell SW (Simon); RoS Secretariat; Murray, Harry; Jack S (Sandra)
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Hi [REDACTED]

I've put that in my calendar. Simon Stockwell will also attend, given the constituents' suggestions that legislative change should be considered. Is the meeting at St Andrew's House or at the Parliament?

We'll put together a briefing for Mr Brown. When do you need to see that?

Thanks

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: [REDACTED] **On Behalf Of** CabSecEJFW@gov.scot
Sent: 10 January 2017 10:48
To: Corbett, Martin
Cc: CabSecEJFW@gov.scot
Subject: Meeting with Mr Brown and Christina McKelvie MSP

Hi Martin

Mr Brown is meeting Christina McKelvie MSP to discuss matters mentioned in the attached document. I spoke to Ray to ask if an official from RoS could also attend and he asked me to contact you. The meeting with Ms McKelvie is on Thursday 19 January at 16.00-16.45. Could you please let me know if you will be available to attend this slot?

Kind regards

[REDACTED]

[REDACTED]
Keith Brown MSP - Cabinet Secretary for Economy, Jobs and Fair Work
2N.08 | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | [REDACTED]
CabSecEJFW@gov.scot

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Devlin C (Catherine)

From: Stockwell SW (Simon)
Sent: 15 June 2017 14:26
To: Devlin C (Catherine)
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 16 January 2017 11:52
To: Stockwell SW (Simon)
Cc: Miller, Colin; Murray, Harry
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

OK – will aim for about 4pm – thanks!

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Simon.Stockwell@gov.scot [<mailto:Simon.Stockwell@gov.scot>]
Sent: 16 January 2017 11:51
To: Corbett, Martin
Cc: Miller, Colin; Murray, Harry
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Hi. Tomorrow last thing is fine. My meeting tomorrow finishes at 2 and so I'll be in SAH from 2.30 onwards.

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 16 January 2017 11:47
To: Stockwell SW (Simon)
Cc: Miller, Colin; Murray, Harry
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Thanks Simon – I have updated in line with your suggestions. See attached version, which I've sent to John King to clear in the Keeper's absence. John is in meetings most of the day, so I'd guess there won't be time for a further circulation prior to putting up the submission.

Would you have time for a pre-meet at the end of the afternoon tomorrow? I can drop by at SAH on my way home, and Colin and/or Harry may well attend too. I think we'd be as well to agree handling for Thursday, as the PO [REDACTED]

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Simon.Stockwell@gov.scot [<mailto:Simon.Stockwell@gov.scot>]
Sent: 16 January 2017 08:11
To: Corbett, Martin
Cc: Miller, Colin; Murray, Harry
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Martin

1. Many thanks.
2. Happy for this to be a joint submission.
3. I have adjusted the copy list. If you do circulate again before it goes up, I would suggest colleagues who may wish to see are Graham Fisher, Sandra Wallace, Alicia McKay (Sandra's boss) and me.
4. I discussed the SPSO point with Sandra. I am not sure there is much more we can say on why SPSO investigations are in private. There is, perhaps, a bit more in the Policy Memorandum for the original Bill: http://www.parliament.scot/S1_Bills/Scottish%20Public%20Services%20Ombudsman%20Bill/b43s1pm.pdf [paras 50 to 53]. I have had a quick look at the SPSO website and they do, of course, provide information on number of complaints etc: <http://www.spsso.org.uk/how-we-handle-complaints>
5. On a general point, I wondered if key lines to take for the CabSec could be put in a brief annex (eg carrying out individual site surveys before updating the cadastral map would add greatly to RoS costs, which would have to be paid for; aerial imagery is increasingly used; RoS rely on information from solicitors, who have a duty to be accurate; RoS do provide a free to access link for 50 days when completing application for registration; SPSO conducts its investigations in private to protect any sensitive information it may receive)
6. On the death certificate, I wonder if we should say a bit more about the [REDACTED] complaining to their solicitors. Perhaps there is a line to take here: "Have [REDACTED] complained to their own solicitors? RoS are entitled to rely on what solicitors tell them." I slightly wondered about not requiring the death certificate – but I can see this saves time and potential expense all round.
7. Happy to have a pre-meet. On Tuesday, I have a meeting from 11 to 14.30 but otherwise around. A lot of meetings on Wednesday. On Thursday, meeting from 9 to 10 but otherwise free until the meeting with Ms McKelvie.

Simon Stockwell
0131 244 3322

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 12 January 2017 17:01
To: Stockwell SW (Simon)
Cc: Miller, Colin; Murray, Harry
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP
Importance: High

Simon

Please see attached a draft briefing. We have not yet cleared this with the Keeper. My suggestion is that this should go up as a joint submission from you and me, as I'm keen to emphasise to Mr Brown that Ms McKelvie's constituents are looking for a change in legislation, not merely to discuss the Keeper's policy and practice.

Could you cast an eye over this and let me have your thoughts? The private office want the briefing on Tuesday, so we'll need to circulate a final draft around any interested parties either late tomorrow or early on Monday. [REDACTED]

You'll see that I have included the contribution from Sandra Wallace as an annex. I'm not sure that it directly addresses [REDACTED] concern (which I think is not about whether there should be open access to information about private individuals; I think [REDACTED] have taken it that SPSO are prohibited from disclosing to [REDACTED] any info about what RoS and SPSO may have said to each other about the [REDACTED] own complaint) You might want to consider whether to ask Sandra to supplement her comments to address that point.

Could you also let me have thoughts on the copy list, and whom we might want to circulate this to for comments in advance of the final version?

Let me know once you've had a chance to look at this. It might be an idea for us to have a pre-meet before the 19th?

Many thanks

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Corbett, Martin
Sent: 10 January 2017 13:48
To: 'Sandra.Wallace@gov.scot'
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Thanks – much appreciated.

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Sandra.Wallace@gov.scot [<mailto:Sandra.Wallace@gov.scot>]
Sent: 10 January 2017 13:47
To: Corbett, Martin
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Will do my best.

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 10 January 2017 13:46
To: Wallace S (Sandra); Jack S (Sandra)
Cc: Stockwell SW (Simon); Devlin C (Catherine); Murray, Harry; McKay A (Alicia)
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Sandra

We need to clear the draft briefing with the Keeper on Friday morning, so if possible it would be helpful if you could get something to us for c.o.p. Thursday.

Thanks

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Sandra.Wallace@gov.scot [<mailto:Sandra.Wallace@gov.scot>]
Sent: 10 January 2017 13:35
To: Corbett, Martin; Sandra.Jack@gov.scot

Cc: Simon.Stockwell@gov.scot; Catherine.Devlin@gov.scot; Murray, Harry; Alicia.McKay@gov.scot
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Martin

I've discussed with Alicia and we will provide you with a contribution and line to take. I will get in touch with SPSO and SPCB in the first instance – what is the deadline to get this to you?

Sandra

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 10 January 2017 12:53
To: Wallace S (Sandra); Jack S (Sandra)
Cc: Stockwell SW (Simon); Devlin C (Catherine); Murray, Harry; McKay A (Alicia)
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Sandra

Thanks – we'd appreciate any input you can give. The key issue seems to be whether the legislation gives complainants sufficient transparency around the investigation of their complaint and any exchanges between SPSO and the body that has been complained about. Also to clarify whether that is a point on which Ministers could appropriately consider legislative change or not, given that SPSO is autonomous and responsible to Parliament.

It might be helpful if you could also confirm whether it would be appropriate for us to let SPSO see the submission that we'll give Mr Brown and/or to give them an opportunity to input. If so, can you give us contact details for the appropriate person?

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Sandra.Wallace@gov.scot [<mailto:Sandra.Wallace@gov.scot>]
Sent: 10 January 2017 12:44
To: Corbett, Martin; Sandra.Jack@gov.scot
Cc: Simon.Stockwell@gov.scot; Catherine.Devlin@gov.scot; Murray, Harry; Alicia.McKay@gov.scot
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Martin

I am not sure how much I will be able to help as we don't have responsibility for the legislation relating to the SPSO. We have a co-ordinating role to provide advice to policy areas who are looking to confer functions on the SPSO. We liaise between the policy area/SPSO and SPCB and have developed a couple of papers in that regard mainly around the process for setting something up and funding. I will have a word with Alicia McKay (copied in) who heads up our team and see if there is anything else we can offer.

Sandra

Sandra Wallace
Tribunals and Administrative Justice Policy
GW-15
St Andrew's House
Edinburgh
Tel: 0131 244 5764

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 10 January 2017 12:31
To: Jack S (Sandra)
Cc: Stockwell SW (Simon); Wallace S (Sandra); Devlin C (Catherine); Murray, Harry
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Thanks Sandra – that’s helpful. Look forward to hearing.

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Sandra.Jack@gov.scot [<mailto:Sandra.Jack@gov.scot>]
Sent: 10 January 2017 12:27
To: Corbett, Martin
Cc: Simon.Stockwell@gov.scot; Sandra.Wallace@gov.scot; Catherine.Devlin@gov.scot
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Martin

I can confirm that Simon is free on the 19th of January.

Sandra Wallace of the Tribunals and Administrative Justice Policy team may be able to provide some briefing on the point raised on the SPSO legislation. I have advised that the meeting is to be held on the 19th. They will let me know if they can assist.

I will revert to you shortly.

Many thanks.

Sandra

Sandra Jack
Family & Property Law Team
Tel no. 0131 244 2025

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 10 January 2017 11:47
To: Jack S (Sandra)
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP
Importance: High

Sandra

I’ve got Simon’s out of office. Can you confirm whether he is available for the meeting on 19th January? Can you also confirm who is the appropriate person to comment on the SPSO legislation?

Thanks

Martin

From: Corbett, Martin
Sent: 10 January 2017 11:45
To: simon.stockwell@gov.scot
Cc: Murray, Harry
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP
Importance: High

Simon

Colin had discussed this with you, as the question to be answered is primarily whether there is a justification for legislative change. Can you confirm whether you are available for the meeting?

We're working on a briefing for Mr Brown. I'll let you see a draft tomorrow.

One of the issues is whether the SPSO Act should be amended to increase transparency. Colin had copied in John Wallace for comment on that point, but I am unsure whether he is the correct person. Can you confirm? I assume we need this to be looked at by whoever is the SG sponsor for SPSO.

Thanks

Martin

From: [REDACTED] **On Behalf Of** CabSecEJFW@gov.scot
Sent: 10 January 2017 10:48
To: Corbett, Martin
Cc: CabSecEJFW@gov.scot
Subject: Meeting with Mr Brown and Christina McKelvie MSP

Hi Martin

Mr Brown is meeting Christina McKelvie MSP to discuss matters mentioned in the attached document. I spoke to Ray to ask if an official from RoS could also attend and he asked me to contact you. The meeting with Ms McKelvie is on Thursday 19 January at 16.00-16.45. Could you please let me know if you will be available to attend this slot?

Kind regards

[REDACTED]

[REDACTED]

CabSecEJFW@gov.scot

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From: Martin Corbett
Registers of Scotland
Simon Stockwell
SG Family & Property Law
16 January 2017

Cabinet Secretary for Economy, Jobs and Fair Work

**MEETING WITH CHRISTINA MCKELVIE MSP
LAND REGISTRATION ETC (SCOTLAND) ACT 2012**

Purpose

1. To propose lines to take at a meeting with Ms McKelvie to discuss proposals for amendments to the Land Registration etc (Scotland) Act 2012 (2012 Act) and the Scottish Public Services Act 2002 (2002 Act) suggested by Ms McKelvie's constituents [REDACTED]. Key lines to take are suggested in Annex A.

Priority

2. **Immediate.** You are due to meet Ms McKelvie on 19 January 2017.

Background

3. [REDACTED] have been the proprietors of property at [REDACTED] since [REDACTED]. Their title is registered in the Land Register of Scotland. Following an application in 2016 to register a discharge of a standard security over their property, they raised a number of concerns with the Keeper of the Registers of Scotland (RoS) about the policy and process of registration in the Land Register.

4. The concerns result from two errors that [REDACTED] identified in the Land Register title sheet, following the application to register the discharge. Firstly, they discovered that one of the boundaries on their property had been changed on the cadastral map. The change appeared to reduce the extent of their garden, by showing the line of their fence as a straight line rather than a curved line. This resulted from an updating error by the Ordnance Survey (OS) in 2006, and has now been corrected on the base map by OS and on the cadastral map by RoS.

5. The second issue was that, following registration of the discharge, the title sheet erroneously stated that [REDACTED] was "now deceased". This resulted from an error by [REDACTED] own solicitors who submitted the discharge, who had incorrectly included the words "now deceased" after [REDACTED] name in both the discharge deed and the application form. The title sheet was corrected as soon as the solicitors drew their error to the Keeper's attention.

6. The two inaccuracies in the Land Register identified by [REDACTED] were rectified by the Keeper under the powers provided for that purpose in s 80 of the 2012 Act, at no cost to [REDACTED]. RoS does not believe that [REDACTED] have suffered any loss as a result. RoS has acknowledged and apologised for any anxiety caused by any failings in the service provided by the Keeper. [REDACTED]

complained to the Scottish Public Services Ombudsman (SPSO), who has decided that a further investigation would not serve any purpose. Ms McKelvie wrote to the Keeper to express her constituents' concerns. A subsequent letter from Ms McKelvie to you, setting out her constituents' proposals for changes of policy and legislation, was referred to the Keeper for reply. The Keeper wrote to Ms McKelvie on 29 November 2016 (a copy is included as Annex B) explaining that she did not believe that any changes in legislation were required, but [REDACTED] are clearly not content with that response and wish to know the Government's view.

- [REDACTED]
- *A procedure for updated OS maps to be checked against the Land Register cadastral map*

7. [REDACTED] propose that the 2012 Act should be amended to require RoS to carry out individual site surveys on each occasion that the OS map differs from the Keeper's cadastral map. Section 11(7) of the 2012 Act requires the Keeper to make any necessary consequential changes to the register whenever the OS map is updated. RoS receives 400-450 updated map tiles per week from the OS, each of which may contain multiple updates to boundary features.

8. We do not think it would be realistic to undertake individual site surveys or to correspond with owners and their neighbours as a matter of routine before we update the cadastral map. This would add significantly to the operating costs of the register. In our experience mistakes are highly unusual, and without taking professional advice proprietors would in most cases be unable to express a view about the impact of a mapping update on the extent of their legal title. We do, however, make use of technology such as aerial imagery, which was not so advanced in 2006 when the OS updating error occurred in this case.

- *A certified death certificate should be provided as evidence of death*

9. [REDACTED] propose that a certified death certificate should be provided to RoS in support of an application notifying the death of a proprietor. Applications for registration are typically submitted by the applicant's solicitor, who is under a professional duty to establish the identity of their client. The present case, where [REDACTED] solicitor incorrectly advised the Keeper that [REDACTED] had died, is unusual in the extreme and arguably is a matter for [REDACTED] to pursue with their own solicitor.

10. Section 111 of the 2012 Act requires solicitors to take reasonable care to ensure that the register does not become inaccurate as a result of an application for registration (ie to ensure that the information in the application is correct). Section 112 prescribes that it is an offence for a solicitor to make a materially false or misleading statement in relation to an application.

11. RoS takes the view that Parliament intended solicitors to be responsible for ensuring that what they state in an application is true and correct, rather than requiring them to submit supportive documents so that the Keeper can check the accuracy of the solicitor's statements as a matter of routine. The Keeper is entitled to rely on what solicitors tell her, especially in relation to such a fundamental matter as whether the client

is alive. We are unaware whether [REDACTED] have raised a formal complaint with their solicitors for incorrectly stating that [REDACTED] was deceased.

- *Information from the Land Register should be made available free of charge to allow proprietors to examine and check their validity*

12. On completion of an application for registration, RoS issues a free-to-access link to the register showing the updated title sheet and plan which can be printed off or saved. The link is issued to the submitting solicitor and any other e-mail address provided by them with the application. The link is available for a period of 50 days and can be shared freely allowing unlimited views.

13. Information in the Land Register is openly available to any member of the public. The fees for information are prescribed by Ministers by Order. RoS is self-funded from the fees charged for its services, and the fees for information and paper copies are broadly set to recover costs. Income in 2016 from Registers Direct and our Customer Service Centres was £4,956,000. If this information were provided free of charge, the costs of doing so would have to be funded from elsewhere.

14. In addition to providing information to proprietors and others who wish to see an individual title, RoS offers a number of other methods of obtaining information, including its business-to-business service Registers Direct which is widely used by solicitors and professional searchers. In October 2017, RoS plans to launch the first phase of a new digital land information system (ScotLIS).

- *Investigations by the SPSO should not be carried out in private*

15. We have asked the SG Tribunals and Administrative Justice policy team for advice on this proposal. Their response is included as Annex C.

Recommendations

16. We recommend that you advise Ms McKelvie that it would be unnecessary and disproportionate to amend the 2012 Act along the lines proposed by [REDACTED]. The errors in the Land Register identified by [REDACTED] resulted from incorrect information provided by their solicitor and by OS, rather than from inherent defects in the 2012 Act or the Keeper's policy. The 2012 Act already provides for the Keeper to rectify inaccuracies in the register, and in this case the inaccuracies have been rectified without any loss of title.

17. We recommend that you advise Ms McKelvie that SPSO is a Parliamentary body that functions autonomously. It is independent of SG in order to safeguard its investigations and decision-making processes. Accordingly, any review of the 2002 Act would be a matter for the Scottish Parliament rather than for Ministers, and in the first instance should be raised with the Scottish Parliamentary Corporate Body.

Martin Corbett
Head of Policy Development
Registers of Scotland
0131 528 3804

Simon Stockwell
Head of Family & Property Law
SG Directorate for Justice
0131 244 3322

16 January 2017

Annex A

Suggested key lines to take

- 1. Carrying out individual site surveys before updating the cadastral map is unnecessary and would add significantly to RoS costs, which would have to be paid for. Aerial imagery is increasingly used in the few cases where there is doubt about the impacts of updates to the OS map.**
- 2. RoS is entitled to rely on information from solicitors, who have a duty to be accurate. Solicitors have specific responsibilities for checking their clients' identity.**
- 3. RoS provide access to the title sheet free of charge for 50 days after completing an application for registration. Proprietors have access provided their solicitor includes the client's email address on the application form.**
- 4. SPSO conducts its investigations in private to protect any sensitive information it may receive.**

Annex C

REQUEST TO REVIEW THE SCOTTISH PUBLIC SERVICES OMBUDSMAN ACT 2002

ISSUE: Christina McKelvie MSP, on behalf of her constituents, is asking the Scottish Government to consider a review of the Scottish Public Services Ombudsman Act 2002 (“the 2002 Act”) to allow correspondence relating to an investigation by the SPSO to be made publically available.

Lines to Take:

- 1. The SPSO has the power to collect personal and sometimes highly sensitive information during the course of an investigation.**
- 2. It is therefore prudent that there are provisions in place that protect members of the public from the disclosure of information that may be personal to them or damaging if released in the public domain.**
- 3. Section 12 of the 2002 Act, states that investigations should be carried out in private. This provision exists to provide protection to members of the public. I am therefore not minded to amend the legislation.**

BACKGROUND:

The SPSO was set up as an independent body, not accountable to the Scottish Government or the Scottish Parliament, in order to maintain an independence from the public services which they could be investigating.

Christina McKelvie MSP (on behalf of her constituents [REDACTED]) has requested consideration be given to changing the 2002 Act (at section 12(1)) which states that investigations by the SPSO must be carried out in private. This change is requested so as correspondence relating to the investigation can be made publically available. Ms McKelvie’s constituents are of the opinion that this would allow transparency and Freedom of Information (Fol). [REDACTED] agree that the Ombudsman is a parliamentary body that functions autonomously and are therefore seeking a review of the founding legislation.

However, Section 12 of the 2002 Act exists to provide protection to members of the public. Information collected in the course of an investigation can be of a highly sensitive nature. The SPSO has very broad powers to access information and therefore release of this information is limited (section 19 of the 2002 Act). There may also be relevant exemptions under Fol for much of the information the SPSO holds e.g. personal information (section 38, Fol Scotland Act 2002) or prejudice to effective conduct of public affairs (section 30). There are also powers at section 18 of the 2002 Act which protect statements made to the SPSO in certain situations from acts of defamation. These all sit alongside the requirements to investigate in private and the limitations on what can be released.

Devlin C (Catherine)

From: Stockwell SW (Simon)
Sent: 15 June 2017 14:27
To: Devlin C (Catherine)
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP

From: Corbett, Martin [mailto:Martin.Corbett@ros.gov.uk]
Sent: 17 January 2017 14:02
To: Miller, Colin; Stockwell SW (Simon)
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP

for info

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: [REDACTED] **On Behalf Of** CabSecEJFW@gov.scot
Sent: 17 January 2017 13:58
To: Corbett, Martin; CabSecEJFW@gov.scot
Cc: Murray, Harry
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Hi Martin

Thank you for sending the briefing.

The meeting will be in Mr Brown's office, T4.03, in the Scottish Parliament. I spoke to Ms McKelvie and she has confirmed [REDACTED] will not be attending.

Many thanks

[REDACTED]

[REDACTED]

Keith Brown MSP - Cabinet Secretary for Economy, Jobs and Fair Work
2N.08 | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | [REDACTED]
CabSecEJFW@gov.scot

From: Corbett, Martin [mailto:Martin.Corbett@ros.gov.uk]
Sent: 17 January 2017 12:13
To: Cabinet Secretary for Economy, Jobs and Fair Work
Cc: [REDACTED] Murray, Harry
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

[REDACTED]

You should now have the briefing. Let me know if there is anything else Mr Brown wants to see before the meeting.

Can you confirm arrangements for Thursday? Are you expecting [REDACTED] to attend?

Thanks

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Corbett, Martin
Sent: 12 January 2017 14:11
To: 'CabSecEJFW@gov.scot'; [REDACTED]
Cc: Simon.Stockwell@gov.scot; RoS Secretariat; Murray, Harry; Sandra.Jack@gov.scot
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

[REDACTED]
We will aim to get a briefing to you on Tuesday. If you are aware of particular points on which [REDACTED] we'd appreciate advance warning.

Thanks

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: [REDACTED] On Behalf Of CabSecEJFW@gov.scot
Sent: 11 January 2017 17:27
To: Corbett, Martin; CabSecEJFW@gov.scot; [REDACTED]
Cc: Simon.Stockwell@gov.scot; RoS Secretariat; Murray, Harry; Sandra.Jack@gov.scot
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Martin,

Thanks for this – you should be aware [REDACTED]

[REDACTED]
[REDACTED] to Keith Brown MSP, Cabinet Secretary for Economy, Jobs and Fair Work
The Scottish Government | St Andrew's House, Edinburgh, EH1 3DG | Web: www.gov.scot
Tel: [REDACTED] Email: CabSecEJFW@gov.scot

From: Corbett, Martin [<mailto:Martin.Corbett@ros.gov.uk>]
Sent: 11 January 2017 09:11
To: Cabinet Secretary for Economy, Jobs and Fair Work; [REDACTED]
Cc: Stockwell SW (Simon); RoS Secretariat; Murray, Harry; Jack S (Sandra)
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP

Hi [REDACTED]

I've put that in my calendar. Simon Stockwell will also attend, given the constituents' suggestions that legislative change should be considered. Is the meeting at St Andrew's House or at the Parliament?

We'll put together a briefing for Mr Brown. When do you need to see that?

Thanks

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: [REDACTED] **On Behalf Of** CabSecEJFW@gov.scot
Sent: 10 January 2017 10:48
To: Corbett, Martin
Cc: CabSecEJFW@gov.scot
Subject: Meeting with Mr Brown and Christina McKelvie MSP

Hi Martin

Mr Brown is meeting Christina McKelvie MSP to discuss matters mentioned in the attached document. I spoke to Ray to ask if an official from RoS could also attend and he asked me to contact you. The meeting with Ms McKelvie is on Thursday 19 January at 16.00-16.45. Could you please let me know if you will be available to attend this slot?

Kind regards

[REDACTED]

[REDACTED]
Keith Brown MSP - Cabinet Secretary for Economy, Jobs and Fair Work
2N.08 | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | [REDACTED]
CabSecEJFW@gov.scot

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson

Devlin C (Catherine)

From: Stockwell SW (Simon)
Sent: 20 January 2017 12:22
To: Jack S (Sandra); Devlin C (Catherine); Wallace S (Sandra)
Cc: Marshall J (Jan); Fisher G (Graham)
Subject: FW: Submission from Registers of Scotland - Meeting with Mr Brown and Christina McKelvie MSP
Attachments: Submission - Mr Brown - Meeting with Christina McKelvie MSP - v4.docx

For info. [Copied to Sandra Wallace for SPSO interest].

From: Corbett, Martin [mailto:Martin.Corbett@ros.gov.uk]
Sent: 20 January 2017 12:20
To: Miller, Colin; King, John
Cc: Murray, Harry; Wellwood, Alison; Mackay, Rhona; Stockwell SW (Simon)
Subject: FW: Submission from Registers of Scotland - Meeting with Mr Brown and Christina McKelvie MSP

Colin

Simon Stockwell and I supported Mr Brown at a meeting with Ms McKelvie yesterday. Ms McKelvie explained that her constituents are determined to pursue legislative change. [REDACTED]

Mr Brown has agreed to write to Ms McKelvie, confirming that he agrees with the Keeper's view that there is no need to amend the 2012 Act. We agreed that RoS and SG Property Law would collaborate on the draft letter.

On the points raised:

1. Site surveys and correspondence with proprietors and neighbours when a MBM update occurs
 Mr Brown asked whether there was a potential sub-category of updates for which a survey might be beneficial, but seemed content that we now have access to aerial imagery etc to check any cases where we have a concern before referring them back to OS if we think the map update may be incorrect. For the draft letter, [REDACTED] spell out in more detail the resource and cost implications of routine site surveys and correspondence, so that Mr Brown can demonstrate why this proposal is unrealistic as well as unnecessary. We will work up an estimate of RoS annual resource and costs, based on the assumption of a site survey and correspondence in every case – and the draft letter will also point out that there would be additional costs for proprietors and lenders.

(I should say that the additional information supplied by Alison Wellwood about MBM – including slides showing how aerial imagery can be matched against OS detail – was extremely helpful in demonstrating to Mr Brown and Ms McKelvie how the process works when there is dubiety about an update, and how modern technology helps us to overcome errors that might not have been spotted in 2006 when the OS error in this case occurred. I'm grateful to Alison for supplying this level of detail so quickly.)

2. Checking death certificates where the solicitor certifies that a client has died
 Mr Brown was content that this is the solicitor's responsibility.

3. Free-of-charge access to title sheets
 Ms McKelvie questioned why the link was only available for 50 days. I explained that this was to allow sufficient time for solicitors and clients to check the title position, without undermining the general principle that we charge for supplying information because we are self-funding and have to cover our costs.

4. Transparency of SPSO investigations

Mr Brown was content that this is not a matter for Ministers, because SPSO is an autonomous parliamentary body.

Policy Unit will prepare a draft letter and seek input from SG before getting it cleared by the Keeper for submission to Mr Brown.

Martin

Martin Corbett | *Head of Policy Development* | Registers of Scotland | 0131 528 3804 | martin.corbett@ros.gov.uk | www.ros.gov.uk

From: Matheson, Ray

Sent: 17 January 2017 11:49

To: 'CabinetSecretaryforJustice@gov.scot'; 'MinisterCSLA@gov.scot'; 'CabSecEJFW@gov.scot'

Cc: 'DGEEI@gov.scot'; 'dglj@gov.scot'; Adams, Sheenagh; King, John; Egdeell, Janet; Miller, Colin; Corbett, Martin;

RoS Secretariat; 'directorofjustice@gov.scot'; 'jan.marshall@gov.scot'; 'alicia.mckay@gov.scot';

'sandra.wallace@gov.scot'; 'dlcccvs@gov.scot'; 'alison.coull@gov.scot'; 'graham.fisher@gov.scot';

'simon.stockwell@gov.scot'; 'john.mcfarlane@gov.scot'

Subject: Submission from Registers of Scotland - Meeting with Mr Brown and Christina McKelvie MSP

Good morning,

Please find enclosed a submission from Martin Corbett, Registers of Scotland, relating to propose lines to take at a meeting with Ms McKelvie to discuss proposals for amendments to the Land Registration etc (Scotland) Act 2012 (2012 Act) and the Scottish Public Services Act 2002 (2002 Act) suggested by Ms McKelvie's constituents [REDACTED]

Please let us know if you require anything further.

Kind regards

RoS Secretariat

Ray Matheson / Executive Assistant to RoS Secretariat / Registers of Scotland / 0131 479 3613 / ray.matheson@ros.gov.uk / www.ros.gov.uk

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Devlin C (Catherine)

From: Wallace S (Sandra)
Sent: 31 January 2017 10:44
To: Stockwell SW (Simon); Jack S (Sandra)
Cc: Fisher G (Graham); Marshall J (Jan); Devlin C (Catherine)
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP
Attachments: Draft letter to Christina McKelvie MSP (2).docx

I have commented on the SPSO para in attached.

Sandra W

From: Stockwell SW (Simon)
Sent: 31 January 2017 08:07
To: Jack S (Sandra); Wallace S (Sandra)
Cc: Fisher G (Graham); Marshall J (Jan); Devlin C (Catherine)
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP

Sandra [Jack]

Comments generally?

Sandra [Wallace]

Any comments on what is said on the SPSO at the end of the draft letter?

Simon x 43322

From: Murray, Harry [<mailto:Harry.Murray@ros.gov.uk>]
Sent: 31 January 2017 07:59
To: Stockwell SW (Simon)
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP

Good morning Simon,

Sorry to be a pest but we are hoping to get this letter to the minister this week. Martin and I are both out of the office all day today so no immediate urgency but if we could have sight of your comments by tomorrow that would be very helpful.

Thanks again,
Harry

From: Murray, Harry
Sent: 26 January 2017 14:54
To: Simon.Stockwell@gov.scot
Cc: Miller, Colin; Corbett, Martin
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP

Simon,

As I believe was discussed at the meeting with Mr Brown and Ms McKelvie, please find a draft of the letter prepared for the minister.

If I could ask you to copy both myself, Martin and Colin into any comments or suggestions.

Many thanks,
Harry

Harry Murray
Policy Unit
Registers of Scotland
0131 479 3680

Devlin C (Catherine)

From: Jack S (Sandra)
Sent: 31 January 2017 11:38
To: Stockwell SW (Simon)
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP
Attachments: Draft letter to Christina McKelvie MSP (2).docx; Dear Ms McKelvie RoS draft letter.docx

Simon

I think the letters talks a bit too much about what Registers did and what they do.

I attach a version (2nd attachment) where I have suggested amendments.

Thanks.

Sandra

Sandra Jack
Family & Property Law Team
x42025

From: Stockwell SW (Simon)
Sent: 31 January 2017 08:07
To: Jack S (Sandra); Wallace S (Sandra)
Cc: Fisher G (Graham); Marshall J (Jan); Devlin C (Catherine)
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP

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Harry

Harry Murray
Policy Unit
Registers of Scotland
0131 479 3680

Devlin C (Catherine)

From: Stockwell SW (Simon)
Sent: 31 January 2017 12:33
To: Murray, Harry
Cc: Miller, Colin; Corbett, Martin; Marshall J (Jan); Jack S (Sandra); Devlin C (Catherine); Wallace S (Sandra); Fisher G (Graham)
Subject: RE: Meeting with Mr Brown and Christina McKelvie MSP
Attachments: Draft letter to Christina McKelvie MSP (2).docx

Harry

Some suggested changes.

I have added the second para, as my recollection is the CabSec wanted something on the role of the Keeper and the role of RoS.

Most of the other changes are re-ordering. I have suggested the deletion of one para towards the end as my inclination is that the 50 day free period deals with that point.

I have consulted Sandra Wallace here on the last para, about the SPSO, and you'll see Sandra has added a comment too.

Happy to discuss (but I may be out of the office for the next day or so).

Simon Stockwell
X 43322
0131 244 3322

From: Murray, Harry [<mailto:Harry.Murray@ros.gov.uk>]
Sent: 26 January 2017 14:54
To: Stockwell SW (Simon)
Cc: Miller, Colin; Corbett, Martin
Subject: FW: Meeting with Mr Brown and Christina McKelvie MSP

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Harry Murray
Policy Unit
Registers of Scotland
0131 479 3680