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Dear Mr Cullum

Thank you for your letter of 11 November requesting information about my role as Keeper of the Registers of Scotland in relation to the registration and discharge of charging orders.

As the Policy Memorandum sets out, there are a number of enactments that provide for the use and registration of charging orders and other such statutory charges. The common factor is that such charges are all types of heritable security but their specific operation varies depending on the terms of the authorising enactment. In particular, the enactment may not always set out a prescribed form for the charging order and it can, sometimes, be difficult to determine, from the deed submitted for registration, the specific authorising enactment. For that reason, I am unable to provide a comprehensive list of all enactments under which registration of a charging order may occur. I can, however, confirm the following Acts under which the majority of charging orders have been or are now registered:

- Building (Scotland) Act 1959;
- Civic Government (Scotland) Act 1982;
- Health and Social Services and Social Security Adjudications Act 1983;
- Legal Aid (Scotland) Act 1986;
- Housing (Scotland) Act 1987; and
- Housing (Scotland) Act 2006.

Part 7 of the Housing (Scotland) Act 2006 provides for repayment charges rather than charging orders. Repayment charges are, as with charging orders, a form of heritable security. That perhaps illustrates some of the difficulty with providing absolutely accurate figures as it is not unknown for charging orders to go by different names in different enactments.

I can confirm that, as of November 2013, the number of charging orders registered as such in the Land Register is 4,426, of which 2,947 have been discharged. As you will be aware, the General Register of Sasines is a register of deeds and does not operate in the same way as the Land Register. The nature of the register, combined with the difficulties noted above, make it impossible to provide exact numbers for the Register of Sasines. I can, however, confirm that as of November 2013 at least 7,163 charging orders and 1,406 discharges have been recorded.

A charging order will typically be discharged following repayment of the underlying debt. That will often coincide with the sale of the property to a third party. As such, the relationship between registration of the order and

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discharge is determined by the particular circumstances and I do not hold any information on average periods between the two events.

The fee charged for charging orders and discharges, in both the Land Register and Register of Sasines, is £60. A reduced fee of £50 is available for Land Register cases only where our Automated Registration of Title to Land system (ARTL) is used. The fees are set by Scottish Ministers, currently on a cost recovery basis.

I do not hold any particular information in respect of registration under the 1959 Act and I have no view on the general approach or policy proposed by the Bill.

I hope the Committee finds this information useful. If you require anything further please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "Sheenagh Adams".

Sheenagh Adams
Keeper of the Registers of Scotland