



**Registers
of Scotland**
ros.gov.uk

Mapping in the Land Register of Scotland Working Group

AGENDA

Thursday 30th May 2019

09:30am – 12:30pm

Boardroom, Registers of Scotland, Meadowbank House

No	Time	Item	Owner
1	09:30	Introductions	Chris Kerr
2	09:45	Review of draft Terms of Reference	Chris Kerr
3	10:15	Presentation framing problems	[REDACTED],
4	11:15	Opportunity for discussion	All

REGISTERS OF SCOTLAND

Mapping in the Land Register of Scotland Working Group

TERMS OF REFERENCE – May 2019

Purpose

To provide a forum for positive engagement between those organisations with an interest in mapping matters relating to the registration of titles across Scotland.

Remit

The MWG **will** provide a platform for discussion and consideration on the formulation, dissemination, co-ordination and oversight of plans policy and practice affecting all organisations. It will act as the referral point for any matters raised by the wider community and Ministers, as well as providing opportunities for the respective organisations to raise any topical issues. The range of duties include;-

- Considering live mapping issues and developing joined-up solutions
- Reviewing current policy and practices and ensuring they are fit for purpose in light of new legislation, practices, technologies
- Agree and share best practice and guidelines
- Identify and, if required, implement strategies for continuous improvement
- Provide a communication tool to communicate effectively with all stakeholders regarding mapping matters
- Encourage and improve engagement in primarily, the mapping environment but also in general terms between organisations
- Provide evidence of actions taken to deal with issues raised by Ministers and the wider community

Meetings

Frequency of meetings will be agreed dependant on issues arising, however there is an expectation that at least one meeting will be held quarterly with the first chaired by ROS and held in Meadowbank House.

A minute of each meeting for information/actions will be taken by the host organisation.

Membership

Commented [LE1]: To be agreed at first meeting. Membership to be noted as job titles?

Each body represented below will be entitled to nominate membership.

- Ordnance Survey
- Royal Institute of Chartered Surveyors
- Law Society of Scotland
- Registers of Scotland

Meeting papers to be copied to the parties noted below for information.

██████████@rics.org.uk

██████████@lawscot.org.uk

██████████@andersonstrathern.co.uk

Mapping in the Land Register of Scotland Working Group	
Minute of Meeting	
Thursday 30 th May 2019	
Chair	Chris Kerr
Present	[REDACTED]
In attendance	[REDACTED] (in attendance for whole meeting)
	[REDACTED] (in attendance for whole meeting)
Apologies	[REDACTED]
Secretariat	[REDACTED]

1. Welcome and apologies

1.1 Chris Kerr welcomed attendees to the first meeting of the Mapping in the Land Register of Scotland Working Group, noting particular thanks for so readily engaging with the concept and travelling to Meadowbank House in order to attend. Apologies were noted from [REDACTED].

1.2 Background to the formation of the working group was provided; for Registers of Scotland to improve on mapping issues brought to the attention of the Minister by positively engaging with stakeholders with an interest in the land registration mapping process. It was acknowledged that although such issues are not widespread, they can present significant problems for those affected.

2. Review of draft Terms of Reference

2.1 The group reviewed the draft Terms of Reference (ToR) and agreed these should be further reviewed by each member out-with the meeting and feedback submitted via email to the meeting secretary. Once the ToR is finalised, this will be published on the RoS website and other organisations are welcome to do the same.

Action – All attendees to review draft Terms of Reference document and provide email feedback to the meeting secretary by 13/06/19.

3. Presentation framing problems

3.1 [REDACTED] presented a number of example mapping issues encountered by Registers of Scotland and highlighted that such cases can sometimes go undetected for years until a title is transacted upon. The group discussed the problems these can cause and ways in which the issues outlined may be addressed, and agreed that early recognition of issues is desired to allow quicker, easier, and cheaper resolution. It was suggested that data could be used as a means by which to create a closer connection between RoS and OS, following establishment of a suitable process. The group heard that with the recent provision of the ScotLIS service, more issues are now coming to light than in previous years.

Action - RoS and Ordnance Survey (OS) to discuss early identification and notification of discrepancies between extents.

3.1.1 The group were informed of work ongoing by Professor [REDACTED], proposing potential changes to the law on prescriptions; with length of possession leading to ownership after a defined time period has passed. If taken forward and approved by Scottish Government, a significant number of cases with issues such as those outlined in this meeting would be resolved. The group heard that although this change is not currently on the Scottish Government's agenda, the working group could look to progress this after consideration and agreement with interested parties. It was also noted that a change of this nature would take a number of years to implement.

Action – [REDACTED] to take [REDACTED] proposal on changes to the law on prescriptions to the Property Law Commission for debate.

Action – Registers of Scotland (RoS) to discuss [REDACTED] proposal on changes to the law on prescriptions with Policy colleagues in the Scottish Government.

3.2 [REDACTED] presented further examples of mapping issues faced by Registers of Scotland and outlined the investigative work that can be undertaken to avoid rejection of such cases. The group discussed the variances that can arise from differing interpretations of deed plans and utilisation of diverse data sources. It was agreed that a validation exercise should be conducted to confirm the general assumption held that OS detail can be assumed as accurate when comparing different sources.

Action – OS to consider sample of cases where OS detail conflicts with deed plans submitted, to validate whether OS detail can be accepted as generally correct. Once validation piece complete, OS and RoS to collaborate and assess how to proceed.

It was acknowledged that improvements to the standard of information contained in applications to Registers of Scotland would contribute to eradication of such mapping issues. Preference was expressed for those involved in creation of deed plans to have a comprehensive understanding of the process in order to create accurate deed plans for submission for registration.

Action – RoS, Royal Institution of Chartered Surveyors, and the Law Society to collaborate on a reeducation piece detailing best practice for those stakeholders involved in deed plan creation. This should follow completion of technical work currently underway between RoS and OS to establish joint position.

3.3 The group thanked [REDACTED] and [REDACTED] for the examples presented which have provided a fuller insight into the situation.

4. Discussion

4.1 The group agreed to provide progress updates on the topics discussed today at the next working group meeting, a date and venue for which is to be decided.

Action – All attendees to consider date and venue for the next occurrence of the working group and feedback via email to the meeting secretary.

The mapping issues presented during the meeting were reiterated as relatively uncommon, but with potentially significant implications for the parties involved, and the group heard that the Minister has been informed of this by RoS. It was agreed that working group members will be kept informed of communications between RoS and the Minister on this matter.

Action – RoS to circulate next ministerial update on mapping matters to the working group for sight.

4.2 The group thanked RoS for initiating the working group and for hosting the first meeting.

5. Date of next meeting

Details to be confirmed, as per action noted above.

Number	Owner	Action	Due Date	Update	Original Date	Status
1	All	All attendees to review draft Terms of Reference document and provide email feedback to the meeting secretary by 13/06/19.	13/06/2019	Update 26/08/19 Feedback received and finalised document published on external RoS website (https://www.ros.gov.uk/about/publications/governance-and-corporate/2019/mapping-in-the-land-register-of-scotland-working-group). Action closed, complete.	30/05/2019	Closed
2	Registers of Scotland and Ordnance Survey	RoS and Ordnance Survey (OS) to discuss early identification and notification of discrepancies between extents.		Update 26/08/19 Initial discussion held between [REDACTED] and [REDACTED] (Ordnance Survey) and the identification of discrepancies is something that will form part of the wider strategy of our new Mapbase maintenance procedures. However, identification requires comparison to be undertaken between the geometry held in the land register and the OS map data for the corresponding land parcels. At the current time there is no established repeatable business process in place to do this. Both RoS and OS are working on the development of new architecture and services which would, with some development, allow this to happen in future. A key question is where, when and by whom this comparison is best established. A business process would also be required at the RoS side to notify the discrepancy so that it can be examined and resolved by appropriate means. A joint project between OS and RoS to examine this issue from a business process perspective late 2019/early 2020 seems the most appropriate action to take, but will be entirely dependent on MBM progress.	30/05/2019	Open
3	[REDACTED]	[REDACTED] to take [REDACTED] proposal on changes to the law on prescriptions to the			30/05/2019	Open
4	Registers of Scotland	Registers of Scotland (RoS) to discuss [REDACTED] proposal on changes to the law on prescriptions with Policy		Update 26/08/19 Action closed, complete.	30/05/2019	Closed
5	Ordnance Survey	OS to consider sample of cases where OS detail conflicts with deed plans submitted, to validate whether OS detail can be accepted as generally correct. Once validation piece complete, OS and RoS to collaborate and		Update 26/08/19 Brief discussion held with [REDACTED] and [REDACTED]. The proposed first step is a workshop between RoS and OS (including surveying operations staff) in the autumn of 2019 focussed on this specific issues and cases raised within the last meeting would be the preferred next step.	30/05/2019	Open
6	[REDACTED] (Registers of Scotland), Royal Institution of Chartered Surveyors, Law Society	RoS, Royal Institution of Chartered Surveyors, and the Law Society to collaborate on a reeducation piece detailing best practice for those stakeholders involved in deed plan creation. This should follow completion of technical work currently underway between RoS and OS to establish joint position.		Update 26/08/19 This action requires work to scope out what needs to be communicated to who and by whom. The detail of what issues will need to be communicated arises out of Action # 4 but it is wider than that. However the work to agree the broad strategy of the way forward can be undertake in parallel. A four way meeting between RoS, RICS, LSC and OS later in 2019 would seem appropriate. [REDACTED] to lead and involve M&B. Comms team to support. Possibility to use autumn conferences as forum for education pieces to customers.	30/05/2019	Open
7	All	All attendees to consider date and venue for the next occurrence of the working group and feedback			30/05/2019	Open
8	Registers of Scotland	RoS to circulate next ministerial update on mapping matters to the			30/05/2019	Open

RoS and Ordnance Survey (OS) to discuss early identification and notification of discrepancies between extents.

Discussions between Registers of Scotland () and Ordnance Survey () have continued and the identification of discrepancies between deed plans and Ordnance Survey map features is something that will form part of the wider strategy of our new mapbase maintenance procedures. However, identification requires comparison to be undertaken between the geometry held in the land register and the OS map data for the corresponding land parcels. At the current time there is no established repeatable business process in place to do this until we retire the RoS Digital Mapping System (DMS). Both RoS and OS are working on the development of new architecture and services which would, with some development, allow this to happen in future.

Potential/proposed actions

In the medium term, as the technical development is ongoing, RoS and OS could establish a joint project to consider the business processes which would require to be changed/introduced in tandem with the development changes. The aim of this would be to ensure a repeatable and reliable method of identifying such cases with minimal reliance on human intervention.

In the immediate term RoS will roll out additional training to plans reports staff and make amendments to issued plans reports to specifically highlight discrepancies between the extent shown on the report plan and the features shown on the Ordnance Map. We will undertake some user testing to ensure that the wording used is clear in its meaning for customers. We have also held Initial discussions with the other reports providers in the market place who are willing to adopt a similar approach. We will follow this up in planned workshops between Feb-Apr this year.

OS to consider sample of cases where OS detail conflicts with deed plans submitted, to validate whether OS detail can be accepted as generally correct. Once validation piece complete, OS and RoS to collaborate and assess how to proceed.

Discussions between RoS and OS continued and examples were shared. It was established in almost all cases that the OS detail can be accepted as being correct.

However, where issues do occur a number of factors contribute to OS detail conflicting with deed plans. We think this highlights the complex set of interactions between the base map, deed plans (both historical and new) and the cadastral map.

We have aggregated these into five scenarios as listed below and our initial thoughts on how to proceed.

- (a) The RoS base map does not match the map provided with the deed plan
 - RoS to provide further awareness and training sessions to mapping staff to ensure base map discrepancies are captured early in the plan submission process i.e. map updates or RoS commissioned surveys
- (b) The RoS base map does not match the current 'real world' situation

- Both RoS and the OS rely on change intelligence from the customer to identify these discrepancies. In the majority of cases these are dealt with later in the registration process via RoS commissioned survey or standard OS map updates. Both RoS and OS agree that early identification would aid the registration process and our recommendation is to provide further guidance to the RoS knowledge base to the question *"I've noticed that the Ordnance Survey map doesn't appear to agree with my client's property and its current extent, what do I do next?"*

(c) The deed plan does not match either the 'real world' situation or the current base map

- This is one of the main issues facing non-specialist map users and was one of a number of key points fed back to RoS and OS mapping specialists at the RoS Autumn conferences. RoS are planning a number of workshops with customers to establish the best way to proceed on this matter e.g. advice, guidance, workshops etc. Further customer workshops planned Feb-Apr 2020.

(d) The base map requires a more detailed survey to better reflect the 'real world' situation.

- RoS to provide further awareness and training sessions to mapping staff to ensure base map discrepancies are captured early in the plan submission process i.e. map updates or RoS commissioned surveys

(e) The deed plan has not been prepared with reference to the base map and the current 'real world' situation or the legal boundaries are not in agreement with what has been built or occupied.

- As (c)

RoS, Royal Institution of Chartered Surveyors, and the Law Society to collaborate on a re-education piece detailing best practice for those stakeholders involved in deed plan creation. This should follow completion of technical work currently underway between RoS and OS to establish joint position.

RICS has recently announced that it's planning to revise its Boundary Guidance Note (GN), please see <https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sector-standards/building-surveying/boundaries-procedures-for-boundary-identification-demarcation-and-dispute-resolution-3rd-edition-rics.pdf>

Since the first Edition of the GN was published in 1993 and the 3rd Edition (current version) in 2014 much has changed in Scotland politically, technologically and legally, not least with coming into force the 2012 Act.

There is an appetite across all stakeholder groups for a Scotland version of the GN, there is content in the current version that simply does not apply in Scotland and there are distinct Scottish aspects that need to be made more explicit and brought together in a single reference document. It would

be an opportunity to address many of the issues that the Mapping Group are dealing with and a vehicle to publish this to stakeholders and importantly the wider public.

RICS Land Group are supportive of producing a first Scottish Edition of the GN. This would require collaboration across RICS, RoS, LSoS and OS.

Proposed action

Group to consider whether there is agreement within respective organisations to produce a Scottish version of the Guidance Note. If so to consider next steps to produce a draft.