

SPSO decision report

Case: 201205087, Registers of Scotland
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: not upheld, no recommendations

Summary

Mrs C's mother purchased parts of a property a few weeks before her death. The application to transfer title was, however, incorrectly submitted and Mrs C's mother was registered as proprietor of the whole property, rather than only parts of it. Mrs C's mother's solicitors realised the error when they received the Land Certificate, by which point Mrs C's mother had passed away. They asked Registers of Scotland (RoS) how this could be corrected. RoS explained that this would be a two-part process. Firstly the title would be restored to the former proprietor and then, on receipt of the correct forms and information, the relevant parts would be registered to Mrs C's late mother. The first part was undertaken by RoS, who then awaited receipt of the correct forms and information. Although they sent several reminders, RoS never received these, so title to the property has remained with the previous proprietor.

Mrs C complained to RoS that one of their officers inaccurately said that the reversion of title to the previous proprietor had been done in conjunction with Mrs C's mother's solicitors. RoS explained that they had begun the two-part process to correct the incorrect registration as a direct response to a request from Mrs C's mother's solicitors. Mrs C was dissatisfied with this response and raised her complaints with us.

In our investigation we carefully considered this complaint and the relevant papers. We decided that the response had made it clear that the actions to begin the process of altering the title deeds had been a direct response to the solicitors' request for information about this process, and that RoS had the right to take this forward. We did not uphold the complaint.