

SPSO decision report

Case: 201700490, Registers of Scotland
Sector: Scottish Government and devolved administration
Subject: handling of application
Decision: not upheld, no recommendations

Summary

Mr C complained that Registers of Scotland (RoS) had included part of his property on his neighbour's title deeds on the Land Register. This came to light when, a number of years later, Mr C tried to register his own title deeds on the Land Register. RoS rejected Mr C's application as it partially overlapped with the neighbouring property that was already on the Land Register. This meant that Mr C had to arrange for his lawyer to transfer part of the land registered in his neighbour's name to him, even although Mr C and his neighbour understood the land to have been Mr C's. This cost Mr C money and he did not think that this was fair.

RoS explained that, when Mr C's neighbour had historically registered his titles on the Land Register, the plan used included the piece of ground in question. At that time, no surrounding property had been registered on the Land Register and so nothing had alerted RoS to a possible issue. That only happened when Mr C tried to register his title several years later. As RoS had reflected the information that had been submitted to them historically, they said that they had not made an error and would not be able to reimburse the additional charges Mr C had incurred.

Our role was to consider whether the evidence pointed to an administrative failing by RoS. Our investigation confirmed that, in circumstances of this case, they would not have rejected Mr C's neighbour's historical application. It was also similarly clear that they would, however, reject Mr C's application and that it would be for him to instruct the conveyancing necessary to fix the situation. Whilst we recognised why Mr C felt that it was unfair that he had to bear the cost of the additional steps needed, the evidence indicated that this was not due to a fault on the part of RoS. We did not uphold this complaint.