

26 August 2005

Dear Consultee

DISCUSSION PAPER ON LAND REGISTRATION: REGISTRATION, RECTIFICATION AND INDEMNITY (DP NO 128)

The Commission's function is to recommend ways of simplifying, updating and improving Scots law. The outcome of any law reform project is the submission to the Scottish Ministers – or the UK Government where the area of law in question is a matter for the Westminster Parliament – of a report setting out in detail our recommendations for reform. We usually append a draft Bill which offers a basis for any legislation implementing our recommendations.

In order to ensure that our recommendations, if implemented, would result in law which is just, principled, responsive and easy to understand, it is critical for the Commission to engage in a thorough and open process of consultation. We therefore welcome the views of as many people as possible, whether from an academic perspective or based on a day-to-day practical experience of the area under review.

Our usual approach to consultation – and to a law reform project in general – involves the preparation of an initial discussion paper. This sets out the current law on the topic in question, describes and analyses any problems with it, details possible options for change and seeks to elicit views from consultees on the preliminary proposals made. Discussion papers are circulated to those identified as having an interest in the topic and are also published on our website (www.scotlawcom.gov.uk). News releases are also issued to draw attention to the consultation. Once the deadline for responding has passed, a careful analysis of all responses is carried out. The proposals in the discussion paper are measured against the public response and this can lead to a period of further thought and research before final decisions are made and the report published.

Accordingly, we invite your views on any or all of the proposals in this discussion paper. Even if you happen to agree with all the proposals we would appreciate a brief note to that effect. Where possible, we would prefer the electronic submission of comments. For example, you can use the downloadable electronic response form for this discussion paper on our website at http://www.scotlawcom.gov.uk/html/discussion_papers.html#dp128. The MS Word form has a questionnaire format which allows you to comment – briefly or at length – on any of the paper's proposals which interest you. The form can be downloaded and emailed to us at info@scotlawcom.gov.uk, as can comments composed in other electronic formats. Alternatively, you may prefer to send your comments on the discussion paper by using the general comments form to be found on the website Contact page (<http://www.scotlawcom.gov.uk/html/contact.html>). Please note that the consultation process for this project will conclude on **30 November 2005**; accordingly, we would be grateful if comments were submitted by then.

We draw to your attention that a summary of all responses will be posted on our website. Also, we will include in our final report on this project a list of those who have submitted responses and may also refer to those responses or quote from them in the report or in other Commission publications. If you do not wish your name or your response (or any part of it) to be used in any one or more of these ways, **please indicate this clearly when submitting your response**. All responses to this paper will be treated as public documents and may be made freely available to third parties unless the respondent specifically asks that the response, or any part of it, should be treated as confidential or we otherwise consider that it should be treated as confidential. Any third party request for access to a

confidential response will be determined in accordance with the Freedom of Information (Scotland) Act 2002. Unless one of the exemptions set out in the Act applies, we cannot guarantee that access to the response will be refused.

Finally, should you wish to offer any comments on the way in which we conduct our consultation exercises, we would be pleased to hear from you.

Yours sincerely

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