

SPSO decision report

Case: 201200179, Registers of Scotland
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Mr C complained that although Registers of Scotland (RoS) confirmed that they had made an error that affected his family's title to property, they refused to honour an agreement to compensate him for the loss or to fix the error. He also alleged that he had been asked by RoS to obtain a valuation of the ground concerned to assist in his claim against them but they later denied this. He was also unhappy with the way his complaint was handled.

We investigated the complaint, considered all the relevant information, including appropriate legislation, and made enquiries of RoS. Our investigation found that RoS had, in 2009 and 2010, confirmed that Mr C was entitled to make a claim against them on the grounds that they had refused to rectify the register. However, in July 2010, his claim was refused on the basis that there had been no rectification decision. The Keeper of RoS said that this was in accordance with her new practice. It appeared that no one told Mr C about this until 2011. The standards for dealing with Mr C's complaint had, therefore, changed without him being advised. In order to make his claim, Mr C had to obtain a valuation of the land concerned. He said that he had been told to do so by staff at RoS but that this had since been denied. We found that the staff concerned had retired but correspondence was available which indicated that Mr C's recollection of events was likely to have been correct. We, therefore, upheld both of those complaints.

Mr C had also complained that RoS failed to adequately address his formal complaints to them about these matters but the evidence did not support this.

Recommendations

We recommended that RoS:

- apologise to Mr C for the confusion and inconvenience caused and for the fact that he was not formally informed of the decision that his rectification application had been cancelled.