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Conveyancing and ARTL Conference 2007

ARTL Rule, Guidelines and Practice Notes

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ARTL is Here

- Background
- Customer view
- Keeper's Terms and Conditions
- Law Society Rules, Guidelines & Practice Notes



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Background

- Conveyancing Committee
- ARTL Implementation Group
- Key Stakeholders
- Joint Consultative Committee



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Customer View

- Law Society support initiative
- Active participation in project
- Provision of Smartcard Readers
- Education and Training
- Articles and information



Keeper's Terms and Conditions

- Overarching operating conditions for ARTL
- Protection of the integrity of the Registers
- Protection of the Keeper's processes
- Protection of the Keeper's Indemnity



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Law Society Rules, Guidance and Practice Notes

- The Rules
- The Guidelines
- The Practice Notes



SOLICITORS (SCOTLAND) (ARTL MANDATES) RULES 2006

- **ARTL Mandates**

3. No solicitor shall authenticate, or apply for registration in the Land Register of, a document created as an electronic communication within the ARTL System on behalf of any person unless that solicitor has obtained a mandate in his favour subscribed by that person authorising the authentication and registration of that document.

- **Archiving and Retention of Mandates**

4. (1) A solicitor shall, within 14 days of applying for registration in the Land Register within the ARTL System, send the principal of each mandate obtained in terms of rule 3 hereof to the Keeper for archiving and return to that solicitor.

(2) A solicitor shall retain the principal of each mandate obtained in his favour in terms of rule 3 in accordance with practice guidelines issued from time to time by the Council.



ARTL Guidance

- The LRA has to be a solicitor
- Principal responsibility rests with the PA
- All principals and users have a general responsibility
- The PA and LRA should ensure compliance
- Firms should have contingency plans in place
- All users should understand the conditions of use
- There should be a written policy on the use of Mandates
- Direct debits should never operate on the principle client bank account
- Sharing passwords/cards, executing documents without authority and making false declarations online may give rise to conduct and service issues



ARTL Practice Notes

- Terms of business should state if ARTL is to be used
- Styles for offers and acceptances are available
- Where missives are silent there will be no obligation on either party to use ARTL
- “Tell me don’t show me” use extended – exercise care
- Discharges must be registered promptly– within 21 days
- Letters of obligation remain unchanged –21 days
- Client should be advised of the meaning and import of Mandates in writing and they should be archived with the keeper –14 days
- Smartcard use should be monitored and reviewed
- Firms are responsible for payments of SDLT and registration dues
- Firms will cooperate with the Keeper in auditing and compliance
- Security of cards and PIN numbers is paramount



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- ▼ Becoming A Solicitor
- ▼ Members Information
 - ▼ Advice Rules & Guidance
 - ▼ Better Client Care
 - ▼ Conveyancing Essentials
 - ▼ **ARTL**
 - ▼ Conveyancing Styles
 - ▼ Coal Mining Searches
 - ▼ SDLT
 - ▼ Contaminated Land
 - ▼ Standard Missives
 - ▼ Unauthorised Alterations
 - ▼ Purchasers Information Pack
 - ▼ Council Information
 - ▼ Deals
 - ▼ In-House Lawyers
 - ▼ FAQs
 - ▼ Money Laundering
 - ▼ International relations

ARTL - Automated Registration of Title to Land

Until now this section of the Society's web site has been devoted to the history, evolution and development of ARTL. [Registers of Scotland](#) launch ARTL on 31 January 2007. Accordingly this section has been reshaped as a resource of practical ARTL information.

Conveyancing Committee & ARTL Implementation Group Secretary - [James Ness](#) 0131 476 8174

One small step for Registers of Scotland, one giant leap for Land Registration

Forgive the hyperbole but Saturday 28th July 2007 was an historic date in history of Land Registration in Scotland. Simply put, the first live transaction on the live Land Register was effected using the ARTL (Automated Registration of Titles to Land) system.

Professor Stewart Brymer took the controls and used the online system to create and then discharge a Security over a real title on the live Land Register. I admire the courage of the Registers of Scotland employee (unnamed) who volunteered their title for this exercise.

Both the Standard Security and subsequent Discharge were effected without problems. It seems clear that the system is both easy to operate and intuitive. (No offence to Professor Brymer!)

Professor Brymer said that he was "very pleased to have been asked to process the first real-time

ARTL

- **ARTL**
- ARTL G
- ARTL P
- ARTL - Guidan
- Opinion
- ARTL M
- ARTL R
- Freque
- Questio
- CML Ha
- Register
- statem
- Securit
- ARTL M



Summary

- There is only a single rule – obtain and archive a mandate
- The guidelines are largely security based commonsense
- The practice notes give nuts and bolts advice
- All three will evolve as our experience with ARTL grows