PROTOCOLS FOR COMPLETION AND DIGITAL SUBMISSION

COMMERCIAL PROTOCOL 3B

Delivery of wet-signed hard copy documents: Multiple submission by one party – Lender's solicitor submits all documents

Seller's solicitor: [ ]
Purchaser's solicitor: [ ]
Lender's solicitor: [ ]
Property: [ ]

Protocol assumptions

(A) All documents must be wet-signed by the granter in accordance with sections 1A, 2, 3 and 7 of the Requirements of Writing (Scotland) Act 1995, so that each document is self-proving. Each party to the Protocol must ensure their client has been advised of the requirement to wet-sign the document. The signatory to the document must print the entire document before signing.

(B) By agreeing to use the Protocol, each solicitor agrees it is bound to comply with all requirements within the Protocol.

(C) All arrangements regarding drawdown of funds and payment of the purchase price, and other usual conveyancing arrangements such as searches and reports are in place in the usual way.

(D) All references to delivery include arrangements to send a document to the relevant party in advance of completion, to be held as undelivered, until the parties agree that the document is delivered. In this Protocol, it is recommended that all documents are sent to the party submitting them for registration in advance of completion to be held as undelivered.

(E) All parties to the Protocol acknowledge that they owe a duty of care to the Keeper in accordance with section 111 of the Land Registration etc. (Scotland) Act 2012.

(F) The Protocol is based on the assumption that all parties to the Protocol are in a position to print, sign, scan, post or courier, and receive documents where required. Any inability to do any of these things should be intimated at an early stage of the transaction (or, where individual circumstances change, as soon as possible) and appropriate adjustment to the Protocol should be agreed.

(G) Delivery of wet-signed hard copy documents includes delivery of particulars of signing, so that the recipient can complete the testing clause, or the signing docquet contains full details of date and place of signing, and signatory and witness designations.

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(H) The originals of wet-signed hard copy documents must be preserved in the possession of one or more of the solicitors to the transaction until registration is completed. If the Keeper requisitions the hard copy of any document that has been submitted for registration, the solicitor holding the hard copy document will send it to the Keeper under whatever arrangements the Keeper puts in place, and within such timescales as the Keeper requires for receipt of the hard copy document, and notify the other parties to the Protocol that they have done so.

(I) "**Digital Submission System**" means the system for online submission of applications to register documents in the Land Register of Scotland under the provisions of section 21 of the Land Registration etc. (Scotland) Act 2012, and where online submission directly into that system is not practicable, includes the alternative arrangements for submission, available by contacting Customer Services at Registers of Scotland (RoS).

Commercial Protocol 3B

1. Agree among all solicitors to the transaction that **PSG Commercial Completion and Digital Submission Protocol 3B** is to be followed. This should be agreed (by exchange of emails) in good time prior to completion.

Pre-completion

2. In good time prior to completion, the solicitor who is to take delivery of all the documents advises the other solicitor(s) sending those documents of the postal address to which the documents should be sent or couriered, in such a manner that ensures the documents are in the possession of the recipient (or at a location that is accessible to the recipient) not later than the date of completion.

Completion

3. At completion, the Seller's solicitor delivers a signed Discharge[1] to the Lender's solicitor, and provides them with the unique alpha number from the completed application form for the Discharge.

4. At completion, the Seller's solicitor (or the Purchaser's solicitor if it has been delivered to them) delivers the signed Disposition to the Lender's solicitor (in exchange for payment of the price from the Purchaser's solicitor) or confirms that the Disposition being held as undelivered by the Lender's solicitor is now delivered.

5. At completion the Purchaser's solicitor provides the unique alpha number from the completed application form for the Disposition to the Lender's solicitor.

6. At completion, the Purchaser's solicitor delivers the signed Standard Security to the Lender's solicitor (in exchange for release of loan funds) or confirms that the Standard Security being held as undelivered by the Lender's solicitor is now delivered.

Post completion

7. The Lender's solicitor will submit pdfs of the Discharge, the Disposition and the Standard Security to the Digital Submission System, and will:

   (a) email a copy of the submission receipt[2] from RoS for the Discharge, the Disposition and the Standard Security to the Seller's solicitor and the Purchaser's solicitor; and

   (b) preserve and retain the originals of the Discharge, the Disposition and the Standard Security (in case RoS needs to requisition the original) until registration is completed.

[1] If the security is only being partially discharged, references in this Protocol to Discharge apply to a Deed of Restriction.
[2] This assumes that all documents have been submitted to the Digital Submission System in the same submission.