Department for Business, Innovation & Skills

Introduction of a Land Registry service delivery company: Consultation response form

This consultation response form is available electronically on the consultation page: www.gov.uk/government/consultations/land-registry-new-service-delivery-company

Alternatively, this form can be submitted by email or by letter to:

Kirun Patel
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Department of Business, Innovation and Skills
1 Victoria Street
London
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Email: bis.lr.consultation@bis.gsi.gov.uk

This closing date for this consultation is **20 March 2014.**

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

Name: Liverpool Law Society Non-Contentious Committee
Organisation (if applicable): Liverpool Law Society
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Please tick the box from the list below that best describes you as a respondent. This allows views to be presented by group type.

✓	Business representative organisation/trade body
	Central government
	Charity or social enterprise
	Individual
	Large business (over 250 staff)

	Legal representative
	Local Government
	Medium business (50 to 250 staff)
	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
	Trade union or staff association
	Other (please describe)

Question 1

Do you agree that by creating a more delivery-focused organisation at arms length from Government, Land Registry will be able to carry out its operations more efficiently and effectively for its customers?

☐ Yes ☒ No ☐ Not sure

Comments:

The consultation paper does not explain what is meant by a 'delivery focused' organisation at arms length from government. We can say confidence in the Land Registry's ability to manage statutory functions of such scale and importance stems from the very fact that the registry is a government owned organisation. To perform these functions and to maintain public confidence the registry must be seen to be an organisation focused on the fair application of Land Registry rules, free for conflicts of interest and commercial activities and concerns. A change of status of the registry would fundamentally undermine public confidence in the system.

Question 2

Do you agree that the OCLR should retain exclusive responsibility for the functions set out in paragraph 49?

☐ Yes ☒ No ☐ Not sure

Comments:

This question assumes there is agreement that the OCLR should exist and be a separate entity from the "Service Provider". We do not agree with this proposition and believe that splitting the function of regulation from the function of service would not work. Such a split would lead to increased costs, increased administration and more importantly confusion of the areas of responsibility and an undermining of the authority of the office of the Chief Land Registrar. The proposals set out in the consultation document to regulate the relationship with the OCLR and the service delivery company serve to highlight the difficulty in reconciling the two roles and providing an adequate line of authority from the OCLR to the service company.

Question 3

Are there additional functions that should be retained in the OCLR? Please explain what and why.

Comments:

Question 4

What are your views in respect of the proposals for shared functions set out in paragraphs 50-51?

Comments:

We do not believe the system is best served by differentiating between the "keeping" and "maintaining" the register. It assumes that maintenance of the register is an administrative task which it is not. Certain registrations are straight forward but many are complex and require an in depth understanding of land law and Land Registry Legislation.

Question 5

What are your views on the proposed approach to service delivery company functions in paragraph 52?

Comments:

We do not agree with it for the reasons given above.

Question 6

Do you agree that the overall design provides the right checks and balances to protect the integrity of the Register and safeguard the provision of indemnities and state title guarantee? If not, please state your reasons why not.

☐ Yes ☒ No ☐ Not sure

Comments:

We do not consider the consultation paper provides sufficient information as to "overall design" no detail has been included in the consultation with regard to the Land Registry's Business Strategy or what is meant by "play a wider role in the property market". Indeed all the proposals are in outline there is no reasoning included as to why changes, to a system that works well, are really needed. In any event placing the function of the Land Registry in the commercial sector in a company limited by shares which would be freely available to the

highest bidder would suggest the safeguarding role could be compromised by the need to fulfil commercial objectives.

Question 7

Would you be comfortable with non-civil servants processing land registration information provided they do so within the framework set out by the OCLR through the service contract? If not, please explain your reasons why not.

☐ Yes ☐ No ☐ Not sure

Comments:

Question 8

Are there any situations, other than those set out in this consultation, in which you would want to see an escalation process to the OCLR? Please explain what and why.

Comments:

Question 9

Do you agree with the proposed approach for handling complaints, as set out in paragraph 56? If not, please explain your reasons why not.

☐ Yes ☒ No ☐ Not sure

Comments:

The diagrams illustrate the difficulties and administrative cost in providing a line of authority between the OCLR and the service company. The type of complains to be dealt with in this way is not detailed in the paper but for the service company to only pass on to "certain" complaints to the OCLR begs the question who makes that decision and what safeguards are there for the customer if that decision is challenged.

Question 10

Do you agree with the escalation process set out for objections in paragraph 56? If not, please state your reasons why not.

☐ Yes ☒ No ☐ Not sure

Comments:

We believe the example given in Section 56 is indicative of the difficulty, complexity and cost in trying to maintain a split system.

Question 11

Do you think the Rule Committee should include a representative from the service delivery company? Please explain why or why not.

☐ Yes ☐ No ☐ Not sure

Comments:

Question 12

The Data Protection Act will protect personal data that is provided to the service delivery company. Would you like to see any protections beyond this, and if so please explain what and why?

☒ Yes ☐ No ☐ Not sure

Comments:

We are not convinced the Data Protection Act is fully applicable to the Land Registry. At the very least we would like to see the existing rules regarding limited confidentiality to be retained.

Question 13

What are your views on the proposed system for safeguarding customer service issues and the continued role of the Independent Complaints Reviewer?

Comments:

Question 14

Do you think there is a difference between the opportunities and risks depending on whether operational control over the service delivery company is entrusted to Government or a private sector company? If yes, what?

☒ Yes ☐ No ☐ Not sure

Comments:

The statutory functions of the Land Registry are an important part of the national infrastructure that underpins the economy and confidence in home ownership. The integrity of the registration process should be the overriding concern of the Registrar and is properly entrusted to a government office. It is not a function that can be properly carried out by a private company.

Question 15

Do you think there is a difference between the opportunities or risks depending on whether the service delivery company is owned by the Government or a private sector company or both? If yes, please explain your reasons.

☒ Yes ☐ No ☐ Not sure

Comments:

See answer to question 14.

Question 16

What do you think are the constraints and dependencies for Land Registry's successful delivery of the business strategy?

Comments:

We do not believe the consultation paper provides enough information with regards to the business strategy for us to give a considered response to this question.

Question 17

Do you have any other comments on the proposals contained in this consultation?

Comments:

We do not consider the consultation document has made out any way the case for a change in the current status of the Land Registry as a Trading Fund which works well, has considerable commercial and public support and operates at no cost to the tax payer. The current system enables profits to be contributed to the treasury and for reduced fees for the consumer where possible. We do not believe the proposed change to be in the public interest.

Question 18

Do you have any other comments that might aid the consultation process as a whole? Please use this space for any general comments you may have. Comments on the layout of this consultation would also be welcome.

Comments

As a general comment, we feel the questions have been biased towards the assumption that the introduction of a service delivery company has been accepted in principal and the

questions relate to how that is best delivered. As a result we have not been able to respond to all the questions raised.

Thank you for your views on this consultation. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply ☒

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

☒ Yes ☐ No

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