



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
Shareholder Executive
Department of Business, Innovation and Skills
1 Victoria Street
London
SW1H 0ET
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:

Organisation (if applicable): Hill Dickinson LLP (Solicitors)

Address: No. 1 St Paul's Square
Liverpool
L3 9SJ

Please tick the box from the list below that best describes you as a respondent. This allows views to be presented by group type.

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | Business representative organisation/trade body |
| <input type="checkbox"/> | Central government |
| <input type="checkbox"/> | Charity or social enterprise |
| <input type="checkbox"/> | Individual |
| <input type="checkbox"/> | Large business (over 250 staff) |
| <input checked="" type="checkbox"/> | 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 fundamental raison d'être for the Land Registry is to operate the state-backed land registration system in England and Wales. This is an important job which should only be entrusted to adequately trained and supported staff with clear and direct lines of leadership, responsibility and accountability, who are impartial and objective and free from commercial pressures and other such distractions.

It is also vital that the land registration system maintains the respect and trust of those who use it (including solicitors and other property professionals) as well as the wider public

We are concerned that separating service delivery from OCLR (and the inevitable introduction of commercial pressures) is likely to jeopardise the operation of the land registration system, undermine the integrity of the land registration system and erode customer and public confidence in the land registration system.

We are also concerned that the transition from self-funding organisation to service delivery company (with potential private sector ownership/control) will lead to an inevitable increase in fees in the pursuit of profit.

Being a 'player' in the property sector, being a seller of datasets and the numerous other commercial activities which the Land Registry has been or is looking to exploit, are not however a fundamental part of the Land Registry's function. We would have no objection in principle to these commercial activities being 'privatised' if that is deemed necessary to facilitate their development, but we strongly believe that if the Land Registry's fundamental function is to preserve its integrity then that function must remain with Government.

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:

For the reasons set out believe, we fundamentally disagree with the principle of the separation of functions, but if this is to happen then these important functions and ultimate control **must** remain with OCLR.

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:

See comments above.

Question 5

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

Comments:

See comments 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:

See comments above.

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:

See comments above.

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:

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:

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:

For the reasons set out believe, we fundamentally disagree with the principle of the separation of functions, but if this is to happen then it seems self-evident that the service delivery company should at least have a voice on the Rule Committee. And if the views of other stakeholders are deemed as important as the consultation paper suggests, perhaps the Rule Committee should also include customer representatives?

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:

See our comments above about our fundamental objection to the creation of a service delivery company. However, if this is to happen then given the sensitive nature of the information available to the Land Registry and the risk (and consequences) of potential property fraud, that information must be protected above and beyond the general law.

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:

See our comments above about the threat to the integrity and reputation of the land registration system posed by the creation and inevitable eventual privatisation of a service delivery 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 our comments above about the threat to the integrity and reputation of the land registration system posed by the creation and inevitable eventual privatisation of a service delivery company.

Question 16

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

Comments:

Insufficient detail is contained in the consultation paper to be able to answer this question.

Question 17

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

Comments:

See our general comments under Question 1 above.

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

It has been difficult to respond to this consultation, because it does not give sufficient detail as to what the Land Registry's business strategy is and how the creation of a service delivery company would facilitate this.

The consultation document also contains conflicting messages - on the one hand it says that the proposals will have minimal effect on customers (in which case, why bother?) but on the other hand that the [largely undefined] benefits to the customer will be 'significant'.

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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BIS/14/510RF