



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: **BrookStreet des Roches LLP**
Organisation (if applicable): **Solicitors**
Address: **25A Western Avenue, Milton Park, Abingdon, OX14 4SH**

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
X	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: **See reply to Q17 below.**

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: **See reply to Q17 below.**

Question 3

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

Comments: **See reply to Q17 below.**

Question 4

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

Comments: **The functions should only be shared if there is a clear division of responsibilities. If it is not clear who is responsible for what there is significant potential for confusion which will have an adverse effect on consumers.**

Question 5

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

Comments: **See reply to Q17 below.**

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

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 reply to Q17 below.**

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: **See reply to Q17 below.**

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: **If the decision is taken to create a service delivery company within the private sector, the complaint procedure outlined in para 56 is probably inevitable. However, it seems to us that this will lead to substantial delays, which would not be within our clients' interests.**

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: **See reply to Q9 above.**

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: **See reply to Q17 below.**

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 reply to Q17 below.**

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: **See reply to Q17 below.**

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: **We don't understand what's meant by "opportunities and risks". Operational control won't be inherently less efficient just because it's being delivered by a private sector company. Nor will private data be inherently less safe (provided it is properly administered). However, the Land Registry currently operates with a high degree of efficiency so we're not clear why a service delivery company would improve things.**

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 reply to Q14 above.**

Question 16

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

Comments: **See reply to Q17 below.**

Question 17

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

Comments: **We are unable to give proper answers to most of the questions because they relate to the internal workings of the Land Registry (on which we're not qualified to comment).**

We also don't feel qualified to comment on whether the creation of a separate service delivery company and regulator within the Land Registry would lead to greater operational efficiencies, though we suspect that the additional bureaucracy may mean that, in fact, the opposite is true.

However, we feel that entrusting the service delivery company to the *private* sector would put our clients at risk:

1) The service delivery company would have a duty to maximise its shareholders' profits. This would almost certainly lead to an increase in registration fees (compare fees in the UK to those on the continent).

2) The Land Registry's efficiency has increased significantly in recent years, with dedicated teams and regular feedback. Our team leader stays in touch and communicates and is happy to accept criticism if they have performed poorly. The introduction of the Portal has led to information being available, and applications being completed, much more quickly than before. Without any supporting data/projections, we are unclear as to why the new structure proposed would lead to further improvements. There appears to be no data or projections to back this up. At paragraphs 10 and 37 you actually state that there would be "a very limited impact on customers", which begs the question why you consider that these changes are needed at all.

3) If the Land Registry is privatised we are concerned that much of the legal and technical skill that the Land Registry has built up over the years will be lost. A private operator's focus would be on reducing costs, leading to redundancies among senior legal and technical staff that would lead to reduce the service that our clients experience.

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

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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