

Response to Consultation By Berkshire Buckinghamshire and Oxfordshire Incorporated Law Society

The Berkshire Buckinghamshire and Oxfordshire Incorporated Law Society (“BB and O”) is local law society covering the three counties and has about 450 members. They predominately work in smaller firms and many have conveyancing as a core part of the work / business. Therefore the effectiveness of the Land Registry is of importance to them.

The BB and O is concerned that such a radical change in the structure and potential ownership of the Land Registry should be based on a consultation of barely 10 pages with the consequent lack of reasoning for any change or any detail of how the revised body would function in practice.

The BB and Os view is that it is a function of the State to provide the ultimate guarantee that if a title is registered it can be relied upon . We cannot see that if the data underpinning that guarantee is either held by a third party or changed on a daily basis by a third party that the State can usefully give such a guarantee. We do not accept that any service agreement can give the State the required assurance and in particular not when the sizes of the two organisations are compared.

No reason is given in the consultation beyond the very bare “it is constrained by legislation” why the status quo of a trading fund cannot be retained. In the absence of any reasoning we cannot agree that such a move is necessary.

If a company were set up we believe for the reasons set out above that the 100% ownership should remain with the state. If that is so then it is less important how the organisation is internally constituted as the state would effectively control both policy and delivery: however we find it difficult to see how the oversight required by policy to ensure that the core business is being carried out properly nor how fee setting can be made without large bureaucratic interface between the two parts being created.

It appears to us that the main reasons for the proposals are :

- 1.To remove the workforce from the civil service and thus by being flexible with pay and recruitment drive down costs
2. Enable the company to focus on the sale of the meta data created by the core business of registration

If a consultation repeats four times in such short paper that the customers will see no change then we are more inclined to believe the contrary will be true. We cannot see how if costs are cut either directly or by employing less expensive and therefore less experienced or less effective staff that the core business can be carried out as efficiently and accurately. The Land Registry at least in theory does not operate at a profit and we anticipate that any fee setting in future would continue to reflect that .It follows that any profit for the company would be in selling the data and there would be little incentive in

maintaining standards in the core registration business. We can see a premium being put on process and output rather than ensuring the registration is accurate.

Any Land Registry which is less accurate / efficient and less speedy is not in the interests of our members or their clients.

Dealing with the particular questions we would comment as follows

1. No

2. Subject to 1 above yes

3 It is difficult to answer this without seeing proposed service contract and level of oversight proposed

4/5 See 3 above

6 No : we cannot see how OCLR can satisfactorily give indemnity/guarantee when underlying data is being amended daily by persons not under their control

7/10 : no comment

11 Yes: delivery company will be aware of practical issues to be addressed which OCLR will not

12. No comment

13. We do think that proposed structure is likely to diminish customer satisfaction: the role of ICR will depend on who is ultimately responsible to it

14 Yes. We think that a private company will find it difficult to make profit from the core business of registration when the fees are set by a third party and will therefore concentrate its efforts on the parts of business which can make profit. Costs will be cut and process will dominate over accuracy. We think this will drive down quality of registration.

15 We see little difference to 14 above

BB and O

Date 20th March 2014