



## 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](http://www.gov.uk/government/consultations/land-registry-new-service-delivery-company)

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

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Email: [bis.lr.consultation@bis.gsi.gov.uk](mailto: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.

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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.

<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 checked="" type="checkbox"/>	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:

Please see the reply to Question 17.

### 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:

Please see the reply to Question 17.

### Question 3

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

Comments:

Please see the reply to Question 17.

#### Question 4

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

Comments:

Please see the reply to Question 17.

#### Question 5

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

Comments:

Please see the reply to Question 17.

#### 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:

Please see the reply to Question 17.

### 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:

Please see the reply to Question 17.

### 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:

Please see the reply to Question 17.

### 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:

Please see the reply to Question 17.

### 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:

Please see the reply to Question 17.

### 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:

Please see the reply to Question 17.

### 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:

Please see the reply to Question 17.

### 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:

Please see the reply to Question 17.

### 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:

Please see the reply to Question 17.

### 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:

Please see the reply to Question 17.

## Question 16

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

Comments:

Please see the reply to Question 17.

## Question 17

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

Comments:

One of the stated aims of the proposals is to meet the needs of the Land Registry's customers. In our view, the current Land Registry model already does so. The Land Registry is widely recognised as being efficient, accountable, impartial, forward-looking and very reliable. We deal with the Land Registry and use its services several times a day and our practical experience bears this out. We are not convinced that the proposal to separate the policy and delivery functions of the Land Registry would be an improvement and indeed, there is a risk that it would be detrimental, particularly if the proposed service delivery company is privatised. Some of our reasons for this view are set out below.

It is difficult to provide helpful replies to the consultation questions without more detail about how the proposed changes would operate in practice. However, we would like to make the following general comments:

1. One of our overarching concerns is that the impartiality, quality and security of the land registration system must not be prejudiced.

We consider that there is a risk that these may be compromised if registration services are, effectively, outsourced to a separate company that may be privatised now or in the future. It may be difficult to reconcile, on the one hand, the need to maintain - more or less on a non-profit-making basis - an independent quality-driven public service and secure database and, on the other, the requirement to promote the success and profitability of a limited company.

The risk is a significant one bearing in mind that the land registration system underpins a major sector of the economy.

2. Another overarching concern is the need to preserve the integrity of the state guarantee and indemnity.

The existence of the state guarantee is fundamental to real estate transactions. Any risk of it becoming less conclusive or authoritative than it is at present would have serious adverse consequences for the property market and the way it operates. The consultation document states that the indemnity arrangements would remain the ultimate responsibility of the Office of the Chief Land Registrar but that the processing of indemnity claims would be for the service delivery company, as would the registrations upon which the guarantee and indemnity are based. It would be useful to have more detail about what is envisaged here. In our view, there is a real risk of the state guarantee becoming less robust and reliable than it is now if its constituent parts are split from each other and the chain of responsibility becomes more complicated and less transparent.

3. The introduction of a new company (and the service level agreement necessary to manage the relationship between the company and the OCLR) would add another level of management and bureaucracy. This could

detract from the efficiency of the current Land Registry model, add to running costs (and therefore fees) and have the potential to increase the risk of fraud.

4. There is also a risk that the proposals will lead to more commoditisation, as the company seeks to maximise profit. For example we have been allocated a dedicated team at the Land Registry to process our applications and to help with our queries. The service and consistency provided by the team is excellent and very valuable, particularly in the context of the highly complex applications that we have to submit. It would be a pity if that level of personalised assistance were to be lost – and short sighted as it saves time and costs in the long run.

### 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

None.

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**