



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): Oldham Law Association
Address: c/o Pearson Solicitors and Financial Advisers LLP
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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.

X	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:

Our members believe the Land Registry over recent months have vastly improved their services resulting in a more efficient and effective outcome for the customers and therefore at arms length is not required

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:

Our members do not believe the Land Registry should be split in any way. All responsibilities should remain with the Land Registry in its current form.

Question 3

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

Comments:

Our members do not believe the Land Registry should be split in any way. All responsibilities should remain with the Land Registry in its current form.

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 maintenance of the register and keeping of the register are two distinct aspects of the Land Registry. Each go hand in hand and trying to separate the two appears to be a pointless task and one which cannot be enforced.

Question 5

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

Comments:

Registrations submitted to the Land Registry are not simply administrative. Civil servants currently have experience and the knowledge to deal with applications swiftly and effectively by using knowledge gained over time. If the exercise is to improve administrative aspects of the service we believe the introduction of the E-DRS system will assist in this process and it should be given the opportunity to be assessed before considering any other form of improvement, particularly since the encouragement by reduced fees has only been introduced week commencing 17th March 2014.

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:

The overall design is very limited in details however from the information provided, a private sector company could not possibly offer the right checks and balances to safeguard the provision of indemnities and state title guarantee. House ownership is fundamental to the country's economy and needs to be as transparent and trustworthy as can be. No commercial entity could offer such transparency and integrity as a government body. Any profit driven enterprise can lead to greater risks of fraud and security breaches.

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:

Civil Servants are governed by legislation unlike non- civil servants who would not be scrutinised in the same manner. House ownership is fundamental in England and Wales and the ability for non-civil servants to deal with such secure and privileged information leaves a greater risk of fraud.

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:

Our members do not believe the Land Registry should be split in any way. All responsibilities should remain with the Land Registry in its current form.

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:

Our members do not believe the Land Registry should be split in any way. All responsibilities should remain with the Land Registry in its current form.

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:

Our members do not believe the Land Registry should be split in any way. All responsibilities should remain with the Land Registry in its current form.

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:

Our members do not believe the Land Registry should be split in any way. All responsibilities should remain with the Land Registry in its current form.

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:

Current protections work well for the protection and security of customers of the Land Registry. Statutory controls ensure the protection of customer data giving lenders and customers alike confidence in the service provided. Such controls must remain and the Data Protection Act alone cannot be relied upon to protect such information.

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:

Our members do not believe the Land Registry should be split in any way. All responsibilities should remain with the Land Registry in its current form.

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:

A private sector company requires the Business Strategy to make profit for the benefit of the shareholders. The Land Registry has in recent years reduced fees for the benefit of the

customers however if the service delivery company is owned by a private sector company such fees will not see reductions.

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:

A private sector company requires the Business Strategy to make profit for the benefit of the shareholders. The Land Registry has in recent years reduced fees for the benefit of the customers however if the service delivery company is owned by a private sector company such fees will not see reductions.

Question 16

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

Comments:

It is difficult to assess such constraints from the information supplied.

Question 17

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

Comments:

See reply to Question 18

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

The current format of the Land Registry is trusted by all. The Crown guarantees title to registered estates and interests and it is concerning that should the OCLR be reduced to a much smaller office, a Service Delivery Company cannot be governed effectively to maintain

the title guarantee. A concern to our members is that this will place greater onus on the conveyancer and customer.

We represent legal practitioners who year on year face higher professional indemnity fees just to provide the services they offer. Such proposals to the Land Registry raise concerns as to whether there is a risk to security and a greater opportunity for fraud and therefore a risk that professional indemnity could rise again.

Our members state the current Land Registry set up has improved greatly over recent months and the introduction of the E-DRS system should address the administrative concerns whilst still retaining civil servants to provide the services required.

It must be noted that whilst the Land Registry is currently cost neutral, any takeover by a private company will automatically result in an increase of costs in order to provide a profit for the private company. Therefore such a change would not be a customer benefit whatsoever.

Our members have also voiced concerns that the potential for a delivery company to provide other services raises large concerns over whether other services provided may give rise to a conflict of interest. Therefore the overall opinion of the Oldham Law Association remains the Land Registry should remain in the control of the government protected by statutory provisions in the interest of security and integrity.

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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