



## 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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Shareholder Executive  
Department of Business, Innovation and Skills  
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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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Name: **Fladgate LLP**  
Organisation (if applicable): **Solicitors**  
Address: **16 Great Queen Street, London WC2B 5DG**

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 type="checkbox"/>	Legal representative

	Local Government
<b>X</b>	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: **If these functions are to be shared, there would need to be a very clear demarcation of who is responsible for what. Otherwise, there is the potential for confusion and an adverse effect on the consumer.**

#### 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

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

#### 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 are not clear what you mean by “opportunities and risks”. There is no inherent reason why operational control should be more or less efficient if the service delivery company is entrusted to the private sector. Similarly, providing appropriate checks and balances are in place, there is no reason why data should necessarily be any less safe if administered by a private company. However, we believe that the Land Registry currently operates with a high degree of efficiency, backed by a state guarantee, so we query why it is believed that creating 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 answer many of the questions in this consultation because we do not think that we are qualified to comment on the internal workings of the Land Registry. It may or may not be the case that the creation of a separate service delivery company (SDC) and regulator within the Land Registry would lead to greater operational efficiencies. We simply cannot comment. The additional bureaucracy may mean that, in fact, the opposite is true.**

**However, we feel that entrusting the SDC to the private sector would present considerable risks for our clients:**

**Firstly, because the SDC would have a duty to maximise its shareholders' profits, there would inevitably be an increase in registration fees, perhaps substantially so. Registration fees on the continent are generally much higher than in the UK, which is an argument that one can envisage a private sector operator using to justify increasing its fees.**

**Secondly, we have seen a considerable increase in LR efficiency in recent years. The internal client teams within the LR (ours is WACT/3 in Swansea) work well. They communicate with us effectively, accepting criticism if they have performed poorly and endeavouring to ensure that that mistake does not happen again. Regular feedback from our client team has helped our firm to improve its own practices, thereby minimising delays. The introduction of the Land Registry Portal has led to information being available, and applications being completed, much more quickly than before. We query why you believe that the new structure being proposed would lead to further improvements. There appears to be no data or projections to back this up. Indeed, you mention at paras. 10 and 37 of the consultation that there would be "a very limited impact on customers", which begs the question why you consider that these changes are needed at all.**

Thirdly, if the Land Registry is privatised we fear a loss of legal and technical skill that the Land Registry has built up over the years. The private operator's focus would be on reducing costs, leading to redundancies among senior legal and technical staff that would lead to deterioration in 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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