



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:CLA
Organisation (if applicable):Country Land and Business Association
Address:16 Belgrave Square, London SW1 8PQ (ref:JRT)

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)

The CLA welcomes the opportunity to respond to this consultation exercise. The CLA has some 34,000 members in England and Wales engaged in all aspects of rural land ownership and the rural economy. Some own estates, some farm and some run small or medium sized businesses that are concerned with the use and management of land in some way. The CLA is a membership organisation, which is comprised of committees across the countryside where members can express their views and share their experience. In addition the CLA also provides a central advisory team where members can discuss individual legal and land use problems. This direct access along with the breadth of the membership allows us to give an informed view on matters affecting the rural environment and economy.

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:

NO. We fundamentally disagree with the concept that Land Registry should be at arms-length from Government. First and foremost the Land Registry is a public service and it should remain as such. We also disagree that there is any genuine reason to believe that operations would be more efficiently or effectively carried out were the current status changed. The Land Registry has made considerable progress in the last few years and carries out its current role very efficiently whilst at the same time driving down fees. If the Land Registry has ambitions to more commercially market its financial and other data then that should be undertaken from within the existing structure.

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:

We disagree with the concept of there being any separation of functions. We do not consider that the Consultation document has made any cogent case for why alterations to the current set-up would be an improvement on what already exists.

Question 3

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

Comments:

See 2 above

Question 4

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

Comments:

We do not agree with the separation of functions in the first place! No adequate reasons have been given as to why this will prove to be any improvement on the current set-up.

Question 5

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

Comments:

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:

No. The best way to protect the integrity of the Land Registry would be to leave it alone. It is of critical importance that nothing is done to reduce the integrity of the organisation or the confidence that the general public has in the service. We see these proposals as potentially being the start of a process that could in the future lead to the privatisation of the service. We do not believe that it is appropriate that a crucial registration service should sit in private or part-private ownership. It is a monopolistic public service. It also happens to be one that is professional, reasonably well-run, increasingly customer-focussed and makes a profit which is paid to the Treasury. That is how it should be.

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:

No. We believe that there is a significant difference in ethos between a Government civil service and a private organisation run for profit. The Land Registry is very much the former. In the latter case, the constant drive to make profit inevitably creates friction between the quality and professionalism of the service and the maximisation of profit. On the whole the Land Registry combines being a state-owned body which is run commercially. We believe it would be a serious mistake to tinker with the integrity of the existing organisation for greater (unproven) commercial ends.

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:

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:

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:

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:

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:

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:

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:

Yes. We consider that it is wholly inappropriate for operational control to sit with a private sector company.

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 14 above.

Question 16

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

Comments:

Question 17

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

Comments:

The arguments put forward in this consultation for the proposed change in status of the Land Registry are thin on detail and fail to make a case for why an alternative structure might be an improvement either to the quality of the service or economically. Neither does the consultation

produce evidence of existing failings of the current set-up. The consultation airily talks of a change enabling the LR “to become an efficient, digital and data-centric organisation which can play a wider role in the property market.” No plausible argument is provided as to how this would be achieved in practice. We would suggest that over the last few economically difficult years for the LR it has made huge strides in becoming more efficient and digital. Speed of service has improved substantially and significantly reduced fees are being introduced this month for transactions dealt with electronically. Infact, we would say that the LR became over-ambitious in its pursuit of “electronic conveyancing” in the face of considerable opposition from practitioners which has thankfully been discontinued. And we see no reason why increases in data capture and datasales cannot be achieved within the existing structure. But it should not be overlooked that the latter activities are insignificant in relation to the primary role of the Land Registry. There is little wrong with the existing Land Registry. It enjoys a very high user satisfaction level and we find nothing in this consultation exercise which persuades us that the LR will be a better organisation if the proposals for change are implemented.

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 x ☐

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?

x ☐ Yes

☐ No

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