

Land Registry Online Consultations

Ends: 11 Jul 2016

Land Registry

View Response

Answers to Land Registry Local Land Charges Rules Questionnaire

COMPLETE RESPONSE

Question 1

Do you agree with the requirements for applications for registration of charges (other than light obstruction notices) being those set out in rule 3?

- Yes No

Please provide comments to support your views

The purpose of this question would appear to be to outline what detail and in what format the information should be supplied to HMLR. If the requirement is to deviate from HMLR being emailed a copy of the charge document this could potentially create more work for the local authorities.

Question 2

Do you agree that it should not be compulsory to apply electronically to register a light obstruction notice but that a paper application (using Form A) may be made instead?

- Yes No

Please provide comments to support your views

This question would appear to be asking whether, with regard to Light Obstruction Notice registrations (Lon) the present manual registration system should be retained in addition to electronic registrations. Light Obstruction Notices are completed by property owners (or their representatives) in relation to Right to Light issues. These applications are very rare and the Council has no strong views on this issue.

Question 3

Do you agree to continue having a prescribed Form A?

- Yes No

Please provide comments to support your views

This question is asking should prescribed Form A in relation to Light Obstruction Notices (LON) be retained. Although there are very few LON registrations the Council's view is that the prescribed form should be retained for ease of registration.

Question 4

Do you think that the wording of the Form A in these draft Local Land Charges Rules 2017 should be changed in any way?

- Yes No

Please provide comments to support your views.

This question is asking should the Form A be changed. The Council does not believe there is a reason to change this form.

Question 5

Do you agree that the digital local land charges register should contain all the particulars referred to in Schedule 1, and nothing more?

- Yes No

Please provide comments to support your views.

Schedule 1 details such things as Description of Charge, Postal address or description of land affected by charge, originating authority, where further information can be obtained and date of Registration. The Council considers it should also contain details of the Act under which the charge is issued and the relevant section of the Act.

Question 6

Do you agree that it is not necessary to include the additional particulars of registration for specific financial charges?

- Yes No

Please provide comments to support your views

The question appears to be asking is it acceptable when registering a specific financial charge to omit the amount originally secured, interest payable, balance of charge and date of last payment. The Council considers such information is necessary as a conveyancer would need this information to fully advise a client.

Question 7

Do you agree with the proposals for variation and cancellation of registrations of charges in the register (other than those in respect of light obstruction notices)?

- Yes No

Please provide comments to support your views:

The question appears to be outlining that it is HM LRS intention to give powers to the Chief Land Registrar (CLR) to vary or cancel a particular registration created by the local authority. Whilst, for ease of administration, this may be desirable, the council considers that the CLR should exercise caution in the use of this administrative power and consult the Originating Authority first.

Question 8

Do you agree with the proposals for variation and cancellation of registrations in respect of light obstruction notices?

- Yes No

Please provide comments to support your views

Light Obstruction Notices as mentioned earlier in this consultation are very rare and the Council has no strong views on this issue.

Question 9

Do you agree to continue having a prescribed Form B?

- Yes No

Please provide comments to support your views

As in the case of Form A this system presently works well so the Council would wish to see the use of Form B continued.

Question 10

Do you think that the wording of the Form B in these draft Local Land Charges Rules 2017 should be changed in any way?

- Yes No

Please provide comments to support your views

As with Form A the Council does not believe there is a need to change Form B for Light Obstruction Notices.

Question 11

Do you agree with the proposal for notification and cancellation for general charges?

- Yes No

Please provide comments to support your views

A General Financial charge is placed on the Land Charges Register when the financial details of the charge are not yet clear. As soon as the financial implications of this general charge are known it then becomes a specific financial charge. Every general charge must then be cancelled within 15 months from the day on which the specific charge comes into existence. This question would appear to be asking for the local authority to provide electronic notification of cancellation of a general charge within that 15 month period. To be able to provide this electronic notification the local authority would have to continue to maintain a Land Charges Register to be able to monitor the status of general financial charges.

Question 12

Do you agree with the proposal for personal searches?

- Yes No

Please provide comments to support your views

The purpose of this enquiry is to gather opinion on whether remote access to the register for Personal Search Companies and having those requests solely made electronically is a good business practice. The Council believes it is but access must be restricted to individual properties to prevent Personal Search Companies creating their own registers

Question 13 is in two parts (a) and (b)

(a) Do you agree with the provision made in respect of official searches?

- Yes No

Please provide comments to support your views

This enquiry refers to the search requisition being electronic and a limit on the size of the search area. This is existing good practice in many local authority areas

(b) In particular, do you agree with what is required of applicants and what the official search certificate must contain?

Yes No

Please provide comments to support your views

As in 13 A this is existing good practice.

Question 14

Do you have comments on the proposed restriction contained in paragraph (2)?

Yes No

If you think a different form of limitation on extent should be adopted, please specify what the form of limitation should be and provide comments to support your views

This enquiry appears to try and restrict the extent that can be searched in a single application. As with question 13 A and B the restriction is existing good practice but consideration must be given to searches carried out on farms Etc which may involve a substantial area of land all in the same ownership.

Question 15

Do you agree with the proposal for destruction of documents?

- Yes No

Please provide comments to support your views

This question deals with the Chief Land Registrar (CLR) not keeping paper documents and only having scanned documents. The Council has no strong feelings on this issue if the CLR considers they are not needed then this would appear an acceptable practice but care should be exercised to avoid a local authority having to supply missing information.

Question 16

Do you think that there are any other types of documents that are likely to be kept by the Chief Land Registrar in respect of which it ought to be possible to apply for copies?

- Yes No

If yes, please identify the type of document and provide comments to support your views

This question appears to be asking what other types of documents the Chief Land Registrar is likely to keep. The Council has no strong feelings on this issue, if the CLR considers they are not needed then this would appear an acceptable practice but care should be exercised to avoid a local authority having to supply missing information.

Question 17

Do you have any comments on the matters which the Chief Land Registrar may determine?

- Yes No

Comments

This question would appear to refer to what the Chief Land Registrar may determine in relation to electronic communication between HMLR and the local authority. The means of electronic communication with the local authority should be by agreement.

Question 18

Do you agree with the proposal for the Chief Land Registrar to be obliged to specify an address to which paper applications in respect of light obstruction notices must be sent?

- Yes No

Please provide comments to support your views

The question seems to ask to receive Light Obstruction Notices should the Chief Registrar specify an address to send them to. This would appear to be an essential requirement.

Question 19

Do you have any further comments on the proposed draft Local Land Charges Rules 2017?

- Yes No

Comments

See answer to question 20

QUESTION 20

Do you have any comments on the Regulatory Impact Assessment?

Yes No

Comments

The Regulatory Impact Assessment (RIA) is the Land Registry's assessment of the costs, benefits and impact of their preferred option (transfer of Local Land Charges Register to the Land Registry) and the alternative option of the Local Land Charges Register remaining with local authorities.

At page 1 of the RIA the Land Registry sets a policy objective of a reduction in the fee charged to customers for a search of the Local Land Charges Register. However, paragraph 9.2.2 of the RIA reveals that it is the Land Registry's intention to charge a fee of £25.00 from 2017. The Council's current fee is £18.00 and so this represents a fee increase of £7.00 per search. Whilst it is the Land Registry's stated aim to reduce this fee to £4.60 by 2024 (only once the Land Registry's costs of transition are paid off) there appears to be no mechanism to ensure that this reduction in fee occurs and costs savings are passed on to customers.

Paragraph 8.2 of the RIA, which sets out the Land Registry's view of the impact on local authorities of their preferred option, is incomplete and unclear. Whilst the Land Registry have calculated the global transition costs at £110.5 million, it has failed to separately provide its estimate of the costs to be paid to local authorities for the data transfer exercise. Paragraph 8.2.1 is particularly unclear as to whether the Council, in addition to the costs of data transfer, is to receive an on-going payment in respect of the fundamental and time-consuming work of collecting and disseminating the data that creates and updates the register. Paragraph 13.1 reveals that local authorities deal with 780,000 updates (new registrations/cancellations) to the Local Land Charges Register every year and in the absence of on-going payments it is unclear how local authorities are to fund this activity.

Paragraph 8.3 also fails to properly address the concerns raised by the conveyancing industry of the additional burdens they face by splitting up the LLC1 and Con29 search service between local authorities and the Land Registry. In addition paragraph 11.3 gives no proper assessment of the risks to the Con29 service given the loss of LLC1 income and the potential for reduced staffing resilience of local authorities due to redundancy or TUPE transfer.

Whilst the table at paragraph 8.1 makes provision for the Land Registry's on-going costs of "insurance" it is unclear whether such provision means that Land Registry are assuming liability for the accuracy of the data revealed by a search of the Local Land Charges Register upon transfer.

Question 21

Do you have any comments at this stage on CON 29 searches and how they relate to our proposed changes to local land charges, including the practical steps taken to digitise local land charges information?

- Yes No

Comments

As mentioned in Question 20 HMILR taking over responsibility for the Land Charges Register will fragment what is presently a united service. The LLC1 reply is the administratively simple part of the process and can therefore be answered quickly whereas the Con29 is much more time consuming and detailed.