

Thursday, 26 May 2016

Ms Lizzie Dixon  
1 Victoria Street  
London  
SW1H 0ET

By email only: [lr.consultation@ukgi.gsi.gov.uk](mailto:lr.consultation@ukgi.gsi.gov.uk)

Dear Madam,

## Legal services market study

This is a response from the committee of the Sussex Law Society ('SLS'). The SLS is a professional organisation for solicitors practising and living in the Sussex area. This response expresses the views of the committee and not those of any individual member.

	Respondent Type
X	Business representative organisation/trade body

### 1. Do you agree that the ownership of the Registers should remain in government?

Yes.

It is entirely inappropriate for the Registers to be owned by anyone or anything else. Land registration enables the legal creation, extinguishment or exchange of private interests in land. By establishing trust and confidence in title, the registry promotes private ownership, secured lending and economic development. Only the Land Registry, by law and on behalf of the Crown, has the

power to grant or alter title and to maintain a single authoritative register of legal interests in land. The Register is (once registration has taken place) the only title to land recognised by law.

**2. What steps should government take and what safeguards should it put in place to ensure continued and improved access to high-quality and reliable Land Registry data?**

Maintain the Land Registry's independence from commercial or specialised interest. It will not be possible for actual or perceived impartiality to be maintained, or public confidence sustained, if a private company (with vested interests to its shareholders) were to assume responsibility for the maintenance of the public's Register.

**3. How should government use this opportunity to improve the quality and accessibility of data produced by Land Registry for all sectors of the economy?**

Further the Land Registry's aims to modernise and digitise its services. Continue its initiative to make more data freely available, eventually opening all of its data to all for free.

**4. On what basis should government manage the relationship with a privately owned Land Registry to ensure Land Registry meets, as far as is reasonable, the data quality and availability requirements of all stakeholders?**

Not applicable, the Land Registry must remain a public department of government.

**5. Do you agree that the suggested safeguards should be included in any model?**

Not applicable, the Land Registry must remain a public department of government.

**6. Are there any other safeguards that you think should be included?**

Not applicable, the Land Registry must remain a public department of government.

**7. Do you agree with the preferred option?**

No.

**8. What are your reasons for your answer to question 7?**

It is inherently wrong for access to the Registers to be controlled by anyone or anything other than government. The Land Registry's key responsibility is to register the correct ownership of land and property in England and Wales. The registry's activities are designed to service this need. Its revenue and profit is directly linked to the volume of transactions that it carries out, and this in turn is predominantly driven by the amount of activity in the housing market.

Every day, massive movements of interests in land across the country, arising from sale and purchase, inheritance, mortgage, leases, restrictions, matrimonial and family matters take place. In addition bankruptcies, repossessions, the protection of third-party rights and orders of the Court require protection by registration. Because it is constantly maintained, the Registers gives authoritative and guaranteed notice to all. Its maintenance means sellers can demonstrate proof of ownership, so purchasers and lenders can carry through property completions safely and simply.

None of this enormous daily movement of interests in land, between citizens, business, public bodies and financial institutions, on which the market economy depends could work without an impartial and trusted system of land registration.

Arguments for private ownership suggest that businesses perform better in a free-market when subject to competition, but this does not stand for the Land Registry. It makes no sense for competing land registers to operate in the same market. The Land Registry is a natural monopoly. Also the demand for its services are driven by the fact that all sellers and purchasers of land have to use the Registry's services, and the volume of activity is dictated by the number of transactions in the market.

In order to meet the increased volume of transactions the registry has been modernising and digitalising their services. This has seen significant productivity gains and improvements in service quality. Private shareholders will want high personal returns – often justifying their payouts by the fact that the private sector is more efficient, so these payouts don't come at a cost of future investment or current services.

But it is debatable how far future efficiency drives can go at the Land Registry, given the progress it has already made in recent years under public ownership. To raise profits and pay for their payouts, there is a risk that any new owner might further restrict the use of data, or worse, place all data behind a paywall.

The ever-changing legal relationship of land and people is constantly and instantly reflected in a public place, through the registry. What would otherwise be hidden is synthesised into a common, guaranteed and public record open to all. Security, confidence, transparency, and choice – all these become possible. Individually, land rights protect the interests of the registered owner; together they constitute the underwritten record of the collective wealth of the nation. Across the world, a trusted system of land registration is central to social stability and economic success.

**9. Do you think an alternative model would be better and why?**

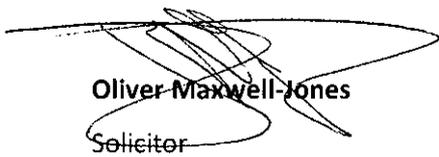
Not applicable.

An alternative model is irrelevant, as the Land Registry should remain a government department and independent.

**10. Are there other key costs and benefits that you think we might have missed?**

The Land Registry should be allowed to continue building on its recent initiative to make more data freely available, eventually opening up all of its data.

Yours faithfully



**Oliver Maxwell-Jones**

Solicitor

General Committee Member

**for and on behalf of the Sussex Law Society**