EXPLANATORY MEMORANDUM TO

THE LAND REGISTRATION (PROPER OFFICE) ORDER 2010

2010 No. 1635

1. This explanatory memorandum has been prepared by Her Majesty's Land Registry and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 Her Majesty's Land Registry (Land Registry) has offices throughout England and Wales. The Land Registration (Proper Office) Order 2010 (the Order) designates particular offices of Land Registry as the proper office for the receipt of specified descriptions of application under the Land Registration Act 2002 (the Act).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Under the Act, the Chief Land Registrar (the registrar) is under a duty to continue to keep a register of the ownership of land in England and Wales. More precisely, the registrar keeps a register of title to legal estates in land (in particular, freeholds and leases having more than seven years to run) and several other types of estate, including charges (in other words, mortgages).

4.2 A registered owner of land or of a charge has certain powers of disposition under the Act. Some dispositions, such as a transfer, many leases and the grant of a legal charge, must be completed by registration and do not take effect in law until this has been done.

4.3 Many different types of applications are made to Land Registry, including applications to register title to a legal estate in land for the first time, to complete dispositions by registration, to protect the priority of certain interests in land and for information. Section 100(3) of the Act provides that the Lord Chancellor may by order designate a particular office of Land Registry as the proper office for the receipt of applications or a specified description of application.

4.4 The Order is made under section 100(3). Particular offices of Land Registry are designated as the proper office for the receipt of applications on the basis of the administrative area in which the land concerned is wholly or partly situated.

4.5 The Order applies to all paper applications, except those where the application is delivered in accordance with a written arrangement as to delivery made between the registrar and the applicant (or the applicant's conveyancer – "conveyancer" is defined in

article 2(2)). The Order does not apply to applications made under the provisions of a relevant notice under Schedule 2 to the Land Registration Rules 2003. Applications in electronic form, or by telephone or fax are made under the provisions of Schedule 2 notices and so are not covered by the Order.

4.6 Requiring that paper applications be delivered to a pre-determined Land Registry office assists Land Registry in the efficient processing of applications. And it enables customers to know which office to send their application to, and the office to contact to discuss any procedural aspect of a proposed or pending application.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is not subject to the affirmative procedure and does not amend primary legislation, no statement is required.

7. Policy background

- **What is being done and why**

7.1 Following a full review of all its offices, Land Registry announced in May 2006 a planned reduction in the number of local offices it operated. The reduction was to take place over a period of years. As a result of a series of subsequent Proper Office Orders, the number of proper offices currently stands at 17.

7.2 As part of a five-year programme of re-organisation and transformation (the Accelerated Transformation Programme), Land Registry announced its decision in March 2010 to reduce further the number of local offices it operated. The Order allows for the implementation of this decision.

7.3 Under the Order, the Portsmouth, Stevenage and Tunbridge Wells Offices will cease to be proper offices. The administrative areas previously dealt with by them will be added to the administrative areas dealt with by remaining proper offices, as shown in the table in the Explanatory Note to the Order. The Order will come into force on 1 October 2010. The three offices will continue to process Land Registry work until the respective sites close: the sites of the Stevenage and Tunbridge Wells Offices will close in June 2011, and the site of the Portsmouth Office will close in March 2013. All the other existing proper offices remain as such under the Order.

8. Consultation outcome

8.1 A public consultation was launched on 22 October 2009 and ran until 29 January 2010. The consultation was on proposals to close the offices at Croydon, Peterborough, Portsmouth, Stevenage and Tunbridge Wells. Alongside the public consultation, Land Registry ran an internal consultation with trade unions and staff, ran focus groups for customers, held staff meetings with Directors, met with MPs and local councils and

gathered data from visitors to its Customer Information Centres. 359 responses were received to the public consultation. These responses came from a range of people and organisations including staff, members of the public, MPs, customers and representative bodies. As a result of the responses, a number of changes were made to the original proposals: one of these changes was that the Croydon and Peterborough Offices should remain open (as proper offices). Copies of the Consultation Document and the Consultation Responses Report are available on Land Registry's website: http://www1.landregistry.gov.uk/consultations/?WT.mc_id=consApr10

9. Guidance

9.1 From 9 July 2010, Land Registry will provide the following publicity about the closure of the three offices as proper offices:

- A paragraph giving notice of the changes will be included in correspondence issued by all offices.
- A message informing recipients of the forthcoming changes will be sent with the results of applications for official searches and official copies of registered titles and documents.
- A message will appear on the Land Registry website explaining what is happening.
- Customers whose names are held on a Land Registry database of customers will receive a letter explaining what is happening. The letter will also make clear that there is no change to existing written arrangements as to delivery.

9.2 From 6 September 2010, leaflets explaining what is happening will be issued to applicants or their conveyancers on the completion of paper applications for first registration and to change the register.

10. Impact

10.1 The impact on business, charities and voluntary bodies is insignificant.

10.2 The impact on the public sector is insignificant.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to small business and to everyone else who needs to make paper applications to Land Registry.

11.2 To minimise the impact of the requirement for applications to be made to particular offices on small firms employing up to 20 people, and to minimise the impact on others, Land Registry publishes on its website and in paper form details of which office is the proper office for receipt of paper applications. This information is available free of charge, and will be updated to take account of the Order. Also, as explained, the closure of the three offices as proper offices will be well publicised.

12. Monitoring and review

12.1 The effectiveness of the publicity detailed in paragraph 9 will be continually monitored, and appropriate steps will be taken to deal with any general lack of understanding on the part of customers.

13. Contact

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can answer any queries regarding the instrument.