

# **Land Registry Proposals to amend the Land Registration Rules 2003**

**A response by  
The Chartered Institute of Legal Executives**

**27 March 2017**



## **Introduction**

The Chartered Institute of Legal Executives (CILEx) is the professional association and governing body for Chartered Legal Executive lawyers, other legal practitioners and paralegals. CILEx represents around 20,000 members, which includes approximately 7,500 fully qualified Chartered Legal Executive lawyers. This includes 4883 Conveyancers registered on our database.

CILEx continually engages in the process of policy and law reform. At the heart of this engagement is public interest, as well as that of the profession. Given the unique role played by Chartered Legal Executives, CILEx considers itself uniquely placed to inform policy and law reform.

As it contributes to policy and law reform, CILEx endeavours to ensure relevant regard is given to equality and human rights, and the need to ensure justice is accessible for those who seek it.

## **General comments**

We have engaged with our forum of Conveyancers who we refer to as our Conveyancing Reference Group. They have provided many practical and informative responses that we have included in the answers to your questions. Therefore these answers have been formulated following member engagement.

## **Question A**

**Do you agree with the proposal to allow (but not require) all dispositions that must be registered to be carried out using digital documents with digital signatures, after the registrar has issued a notice that the service is available?**

CILEx agrees with the proposal as long as the system is thoroughly tested and online support is made available. Our members are concerned about the threats of fraudulent interception of signatures. Therefore more detail is required on how this will be managed and operated.

Our members have reported that some borrowers can find it complicated to carry out what is required of them when completing a digital signature instead of having the legal charge signed in the presence of their conveyancer. The Land Registry could provide additional support in this area.

## **Question B**

**Do you agree that the Proper Office Order 2013 is superfluous and can be revoked?**

It is agreed that the Proper Office Order 2013 is no longer required. A number of our members have advised that they do not make paper applications and the process would be streamlined for those who do.

## **Question C**

**C1. Do you agree that the Rules should allow for an online service for inspection, copying and official copies of parts of the register and documents, as well as full copies?**

CILEx agrees that an online only service would be more efficient. It should be made clear when downloading part only of documents that other documents not included will affect the part downloaded. Members also have raised concerns that the availability of this information has allowed for an increase in property fraud. The Land Registry needs to address potential use by fraudsters to protect the public and ensure public confidence is upheld.

**C2. Do you agree that the Rules should allow for an online service for historic day list information and historic information about a registered title?**

CILEx agrees that an online historic day list would be beneficial. An online service would be especially helpful when trying to trace ownership of properties in contentious cases such as for enforcement cases or fraud.

**Question D**

**D1. Do you have any comments on the proposals to amend rules 203 – 205 and 214 (retention and return of documents), and rules 19 and 199 (use of fax) to reflect changes we have already made in our practice?**

CILEx agrees in principle with the amendments. Copy documents kept by the Land Registry should be properly checked to ensure that they are complete. There have been increasing numbers of cases where copy Leases, in particular, are incomplete or do not have coloured plans.

**D2. Do you agree with the proposal to revoke the provision for outline applications?**

It is agreed that the use of outline applications is now superfluous.

**Question E**

**E1. Do you have any comments on the proposals to clarify the definitions of business day and working day?**

This is agreed as long as there is not a conflict with other statutory definitions of working day and business day.

**E2. Do you agree that Land Registry should have more flexibility about when it is open for personal visits?**

CILEx agrees that a flexible approach to personal visits. Our members do not make personal visits to the Land Registry and this service would be predominately used by non-professional conveyancers. A charge for this service would ensure that overall costs of conveyancing transactions are kept down.

**Question F**

**Do you agree with the proposals:**

**F1. to add form AN1 to rule 90?**

CILEx agrees with the amendment to include form AN1. This will reduce the time spent with dealing with Land Registry requisitions. The reduction in the cost of conveyancing disbursements for restrictions on the register will also assist clients and the public.

**F2. to amend rule 140 and Schedule 5, and remove form CIT from the list of prescribed forms so it can be amended when necessary?  
If not please say why.**

CILEx agrees that the amendment will assist public bodies with statutory powers.

**Question G**

**Do you have any other comments about the proposed Rules amendments?**

CILEx supports the proposed amendments which streamline procedures, remove outdated legislation and work towards the future of electronic conveyancing, this will only work if the support and resources are available by the Land Registry.

A large number of our members are acutely aware of the risk of fraud due to online only services. Land Registry needs to provide a robust process to ensure that conveyancers and the public are protected.

**For further details**

Should you require any further information, please contact;

Maria Seale FCILEx  
[mseale@cilex.org.uk](mailto:mseale@cilex.org.uk)  
01234 844648

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