

Legal Services Board

Consultation on further rules relating to the regulation of licensed bodies

Response from HM Land Registry

Annex C – List of questions

Registers of ABS

1. What do you think of the proposed information to be held on the register?

Land Registry agrees that the information listed in paragraph 11 of the consultation should be included in the registers. However, we think the additional information referred to in our reply to question 2 below should also be included.

2. Do you think any other information should be held?

Yes, Land Registry would like to have:

- *the names of authorised persons who are employees of the licensed body*
- *managers of the licensed body*
- *any conditions placed on the licensed body*

on a publicly accessible website, since we check these details in connection with the entering into, and termination of, network access agreements. Land Registry takes security seriously, both in the case of its e-services and paper applications. We make careful checks of all customers who apply for a network access agreement as this will give them the ability to make electronic applications that will change the register. In other cases we may wish to check these details to ensure the provenance of an application, whether paper or electronic. The information referred to in the first two bullet points is available on the websites of the Law Society (on behalf of the Solicitors Regulation Authority), and the Council for Licensed Conveyancers, so it does not seem logical that it should not be available in the case of licensed bodies.

In the case of the third bullet point, this information is vital to Land Registry. It is recognised that under the Legal Services Act 2007 legal services may become more specialised. We are proposing to amend certain land registration rules to ensure that only authorised persons who are authorised in relation to the reserved instrument activities relating to land registration will be treated as conveyancers under our rules, or be potentially entitled to a network access agreement. If a condition were placed on an authorised person preventing them from carrying on reserved instrument activities, Land Registry would need to know this. We believe such conditions would also be of interest to members of the public, who should be entitled to this information.

Although the information may be available on a different website, it would be more convenient and transparent to have it in one place – the website of the regulator of the body in question. Furthermore, as we understand it, in the case of licensed bodies the licensing authority will be the relevant disciplinary tribunal. It is therefore presumed that such disciplinary decisions will be available on the same website and could easily be added or linked to the register.

3. Do you think that the registers should be publically available on the LA's websites?

Yes.

4. Do you think that information on the register should be updated in the times suggested?

Yes.

5. Do you have any views on the rules as they are drafted?

Land Registry would like to see the rules amended to take account of our response to question 2 above.

Lists of disqualified persons

6. What do you think about the requirement on LAs to notify the LSB of disqualification determinations within 7 calendar days?

We agree it should be no longer than 7 days. Notification to LSB should be seen as an immediate duty following the decision to disqualify.

7. What do you think of the proposed details to be held on the list of disqualified persons?

We agree with the proposed details.

8. Is it a proportionate amount of information to provide?

Yes.

9. What do you think of our publication proposals?

Land Registry agrees that this information should be freely accessible on the LSB's website. Again, we would wish to check this information when considering applications for network access agreements.

10. What is your view on our approach to the list held under schedule 13 paragraph 51?

Land Registry has no further comments to make on the matters raised by the consultation.

Notification periods under schedule 13

11. What do you think about our approach to specifying the periods in schedule 13 and the draft order? If you wish to provide an alternative approach or specific periods, please provide supporting evidence to justify this.

12. What do you think of the proposed 7 day period for notification prior to issuing of licences?

13. What do you think of the proposed 7 day period for notification where the ownership changes?

14. What do you think of the 28 day period for notification if a limit has been exceeded?

Ownership of licensed bodies: Schedule 13 – prescribed rules

15. What are your views on the time periods that we have proposed?