

## Home Builders Federation (HBF)

### Submission to Department for Business, Innovation and Skills (BIS)

#### ‘Consultation on moving Land Registry operations to the private sector’

##### Supplementary Sheet

##### Comments in answer to Question 7

As there is no strictly appropriate question in the consultation, we have taken the opportunity to raise members’ principle objections to the proposals in answering Q7.

1. How would the judicial functions work in terms of the adjudication scheme, or any decision being effective and binding, if it was a private organisation? The likelihood of a lack of impartiality and conflicts of interest arising from private sector involvement could make it difficult for Land Registry to fulfil its adjudicatory functions.
2. There are inevitable concerns about what protections there will be to safeguard the interests of the business/citizens from a data protection perspective.
3. At present the land registry provides an indemnity for its errors. If privatised this would need to be covered by insurance which would be at a cost and subject to limitations. This would create issues with the effectiveness, and even willingness of solicitors to rely upon it.
4. It must be questionable whether a private company running Land Registry operations would be obliged to adopt any legislative changes arising from the Law Commission’s consultation to changes on the Land Registration Act ‘if they do not fit in with the company’s commercial imperatives’.
5. A private company may be tempted to concentrate on more profitable non-registration services, resulting in resources being diverted away from core registration services.
6. With a commercial organisation would there be specific KPIs, with sanctions imposed? With a public run organisation the right of redress is inevitably less limited.