

LAND REGISTRATION ACT 2002

EXPLANATORY NOTES

COMMENTARY ON THE SECTIONS

Part 10: Land Registry

Administration

Sections 99, 100 and 101: The land registry; Conduct of business; and Annual report

164. Except as to judicial matters (dealt with under Part 11), the administrative structure and business of the Land Registry are not changed in any very material respect by the provisions of the Act. Section 99 provides for the continuation of the Registry with the Chief Land Registrar, appointed by the Lord Chancellor, at its head. As now, the registrar is supported by staff who may be authorised to carry out any of his functions. The Lord Chancellor can, as now, make regulations to cover the situation when a vacancy arises in the office of Chief Land Registrar and can make an order specifying which office deals with particular applications. A district registries order may specify the office to be used either on the basis of the geographical location of the land affected, as now, or on the basis of application type, enabling special expertise to be built up, or applications relating to a single, very large development to be handled more effectively. The registrar may prepare and issue forms and directions to facilitate the land registration process, a power which he has exercised from time to time under the current system. The registrar must also produce an annual report on the business of the Land Registry to the Lord Chancellor. That report must be published and laid before Parliament. Section 99 incorporates the provisions in Schedule 7.

Fees and indemnities

Section 102: Fee orders

165. Replicating the existing system, section 102 provides that the Lord Chancellor may prescribe fees for dealing with the Land Registry but that the order must be made with the advice and assistance of the Rule Committee (see section 127(2)) and with the consent of the Treasury. The fee order will not however deal with fees for the new consultancy and advisory services (see section 105) nor with the provision of information by the registrar to a person who has the function of providing historical information about registered titles under section 69(3). The fee order, as under the current system, may stipulate how the fees should be paid.

Section 103: Indemnities

166. **Section 103** incorporates the provisions of Schedule 8. Although the provisions introduced by the Land Registration Act 1997 have been recast in accordance with the style of the Act, the substance of them has not been altered in any significant way.

Miscellaneous

Section 104: General information about land

167. This section gives the registrar power to publish information about land in England and Wales if it appears to him to be information in which there is a legitimate public interest. The registrar already publishes data about changes in property prices on a quarterly basis, and these are widely used. Because all sales of freehold land are required to be registered, the Registry's figures are the most accurate available. The extension of compulsory registration to leases with seven or more years to run will considerably extend the market data available.

Section 105: Consultancy and advisory services

168. **Section 105** gives the registrar power to provide, or to arrange the provision of, such consultancy and advisory services as he sees fit, and enables him to negotiate appropriate fees for those services. This power will enable the registrar to offer consultancy services both within England and Wales and elsewhere. In particular, it is likely that his expertise may be in demand in relation to the development of electronic registration systems in other countries.

Section 106: Incidental powers: companies

169. **Section 106** enables the registrar, if he considers it expedient, to do so in connection with the specified functions to form, or participate in the formation of, or purchase or invest in, a company. The specified functions are providing:
- historical information (section 69(3)(a))
 - the Land Registry Network (section 92(1))
 - an electronic settlements system (section 94)
 - consultancy and advisory services (section 105 (1))
 - education and training in relation to the use of the Land Registry Network (schedule 5 paragraph 10).