

EXPLANATORY MEMORANDUM TO
THE LAND REGISTRATION (PROPER OFFICE) ORDER 2007

2007 No. 3517

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. **Description**

- 2.1 Her Majesty's Land Registry (Land Registry) has offices throughout England and Wales. The Land Registration (Proper Office) Order 2007 (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 Background**

- 4.1 Under the Act, the registrar is under a duty to continue to keep a register of the ownership of land in England and Wales. More precisely, he keeps a register of titles to legal estates in land (for example, freeholds and leases having more than seven years to run) and several other types of estate. Not all legal estates are registrable, and not all those which are registrable have actually been registered.

- 4.2 A registered owner of land or of a charge (in other words, a mortgage) has certain powers of disposition under the Act. For example, in the case of an owner of land, those powers include the power to transfer the land, to charge it, to grant a lease out of it or to grant a right of way over it. The transfer, charge, lease and grant are all examples of "dispositions". Certain dispositions, such as a transfer or charge, must be completed by registration. They 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 complete dispositions by registration, to register land for the first time, 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) and designates particular offices of Land Registry as proper offices. As under the Land Registration (Proper Office) Order 2003 (which is revoked by the Order), the Order provides that each proper office deals with certain applications relating to land within designated administrative

areas. The Order will result in a reduction in the number of proper offices from 24 to 21: the Harrow and the York offices will cease to be proper offices and there will be one proper office at Durham, instead of two. The table in the Explanatory Note to the Order shows the effect of these changes.

- 4.5 The Order applies to all paper applications, except those where the application is delivered in accordance with a written agreement 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.

5. Territorial Extent and Application

- 5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

- 7.1 Under the Land Registration Act 1925, Land Registry operated through a series of district registries, each of which dealt with most applications relating to a particular area of England and Wales. The Act replaced the Land Registration Act 1925 in October 2003, but there is still a need for paper applications to be delivered to a pre-determined Land Registry office. Such delivery assists Land Registry in the efficient processing of applications and enables customers to know which office will deal with their application and the office to contact to discuss any procedural aspect of a proposed or pending application.
- 7.2 Following a full review of all its offices, Land Registry announced in May 2006 a planned reduction in the number of local offices it operates. The reduction is to take place over the next nine or so years and includes the closure of its Harrow and York Offices in 2010. In Birkenhead, Durham, Lytham, Nottingham and Swansea Land Registry has two offices and in each case the two offices will in due course be merged.
- 7.3 On 1 April 2008, having ceased to be proper offices as result of the Order, the Harrow Office will become a sub-office of the Stevenage proper office and the York Office will become a sub-office of the Kinston Upon Hull proper office and they will remain as such sub-offices until they are closed. Also on 1 April 2008, the two Durham Offices will become the Durham proper office, referred to in the Order.

8. Impact

- 8.1 No impact assessment has been prepared on the basis that there will be no change in the costs incurred by business as a result of having to deliver certain applications to one land registry office rather than to another.

9. Contact

Francis Twambley at Her Majesty's Land Registry, 32 Lincoln's Inn Fields, London WC2A 3PH (telephone: 020 7166 4340 or e-mail: francis.twambley@landregistry.gsi.gov.uk) can answer any queries regarding the instrument.