

## **Minutes for CLLS Land Law Committee meeting on 17 May 2023 by Teams and in person**

**Attendees:** Mike Harlow from HM Land Registry, Jackie Newstead (Chair), David Hawkins (Vice Chair), Warren Gordon (Secretary), Jeremy Brooks, Jamie Chapman, Caroline DeLaney, Martin Elliott, Adrian Footer, Laurie Heller, Matt Hooton, John Nevin, Brigid North, Franc Pena, Jeremy Shields, Sangita Unadkat and Ian Waring.

1 **Apologies:** Jayne Elkins, Alison Hardy, Kevin Hart (from the CLLS), Vikki Hills, Stephen Josephides, Paul Kenny, Daniel McKimm, Julian Pollock and Patrick Williams.

### **2 Approval of draft Minutes for March 2023 Committee meeting**

The draft Minutes for the March 2023 Committee meeting were approved and will be added to the CLLS's website.

### **3 Discussion with Mike Harlow from the Land Registry**

The Committee was delighted to be joined by Mike Harlow, Deputy Chief Executive and Director of Customer and Strategy at HM Land Registry (HMLR).

HMLR is very aware of delays with the processing of applications and it is working to reduce delays through the use of technology, additional recruitment and upskilling.

Straightforward applications are processed efficiently. More complex (new title) applications are taking longer. They can be expedited if they are impacting market activity and 95% of expedited cases are completed within 10 days – the usual service standard. Sometimes expedites can take longer when there are prior pending applications of a more complex nature.

Customers are recommended to apply for the expediting of applications to improve the processing time. HMLR is happy to explore further with stakeholders the best way for customers to raise situations where expediting may be required, in order to allow transactions to proceed efficiently.

The Committee also requested that consideration be given to better classifying pending applications (for example through categories of applications) and this would make it easier to discern from the daylist what the application relates to.

There was a discussion about the new DRS system which, among other matters, seeks to substantially reduce the number of requisitions. DRS is now used for the vast majority of applications. HMLR, however, sees an important place for third party providers enabling the making of Land Registry applications through a more tailored service.

Issues of practice and process can be raised with HMLR's central legal services and it was noted and appreciated that HMLR is in regular dialogue with stakeholders including the PSL community through a practice working group.

In relation to concerns expressed by the Committee about the level of accuracy of MapSearch, this is in part explained by the title boundaries that have not yet been digitised. It was noted that the MapSearch service does not benefit from the HMLR guarantee, which is why search of the index map is needed for guaranteed information.

If customers have complex enquiries, there are various means of gaining support, including the Application Management Service, Ask for Guidance, the Developing Estate Service, Large-Scale Applications and Large-Scale Voluntary First Registrations. More details are on Portal and .gov.uk. Account managers can advise on the most helpful.

There was a discussion about a current HMLR pilot by which conveyancers are required to confirm to the best of their information and belief that the information in the application to HMLR is true. This is a quality assurance exercise and conveyancers are already in effect confirming this when they submit applications. HMLR does not see this as a shift of risk to conveyancers, nor involving additional duties for conveyancers. If rolled out more widely, this could lead to improvements in the efficiency of processing applications through automation. It will enable land registration process speeds to be resilient to market volatility.

The Committee again thanked Mike Harlow for discussing these issues with them and it was agreed that Mike would be invited back to see how matters are progressing.

#### **4 Launch of Eighth Edition of Certificate of title and ancillary documents**

The Eighth Edition of Certificate of title and ancillary documents have now been launched and the documents themselves and publicity can be accessed via the following links. Many thanks to the Committee for their help throughout this project.

[New edition of key real estate document for lending, corporate and portfolio transactions launched by the City of London Law Society \(citysolicitors.org.uk\) and Estate-Gazette-Article-A-new-chapter-in-the-CLLS-Certificate-of-Title-10-05-23.pdf \(citysolicitors.org.uk\) and Certificate of Title and related documents – The City of London Law Society ~ CLLS \(citysolicitors.org.uk\)](#)

#### **5 Better Building Partnership's Green Leases Toolkit**

There is to be a new green leases toolkit and the Better Building Partnership would like feedback on so-called statements of intent in key areas of the toolkit (rather than the entire draft which extends to 40+ pages). The Committee will look to comment on this and is looking for 2-4 people from the Committee to volunteer for this project.

#### **6 Law Society's Climate Change Note**

[Impact of climate change on solicitors | The Law Society](#)

This will be discussed at the July meeting.

**7 HMRC's Trust Registration Service** - are real estate transactional trust situations (such as nominee situations) caught? Matt Hooton

This will be discussed at the July meeting.

#### **8 Building Safety Act – is this impacting on transactions?**

This will be discussed at the July meeting.

#### **9 Retained EU Law (Revocation and Reform) Bill**

<https://bills.parliament.uk/bills/3340> - Kevin Hart to provide an update at a future meeting.

**10 Update on Use of disclaimers for documents on Committee's webpages** – Kevin to update at a future meeting.

## 11 **AOB**

- Law Society's Commercial Property conference – Details were provided to the Committee of a Law Society Commercial Property conference. Please let Warren know if you would like to speak at or can suggest a speaker for or otherwise want to be involved in the conference.
- High street rental auctions consultation: The Government has launched a consultation on its proposals for High Street Rental Auctions in England. The proposals will give local authorities the power to auction the rental rights of commercial high street property that has been vacant for longer than 12 months in a 24-months period. The purpose behind this is to tackle the problem of persistently vacant property on high streets. The consultation seeks views on detailed aspects of the High Street Rental Auction policy including the running of the auction process, a proposed new Permitted Development Rights process, disapplication of Minimum Energy Efficiency Standards in this context and the nature of the standardised framework for the agreement for lease and lease arrangements forming part of the process. The deadline for responses to the consultation is 23 June 2023. The Committee decided not to respond to this consultation.

12 **Length of meeting** – 1 hour 30 minutes.

13 **Dates for remaining 2023 meetings, at 12.30pm and hybrid in person/virtual**  
- 12 July, 20 September and 22 November.

Warren Gordon

Secretary, CLLS Land Law Committee