



Independent  
Complaints  
Reviewer

Independent Complaints Reviewer  
(ICR) for Land Registry  
Annual Report 2014/15

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## Further information

Full details of the service that the ICR provides can be found in our booklet, *Seeking a fair resolution*, which can be downloaded from the ICR's website at [www.icrev.org.uk](http://www.icrev.org.uk)

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# 1 Introduction



Elizabeth A Derrington

I am proud to report that 2014/15 was a very productive and successful year for the Independent Complaints Reviewer (ICR) office – in spite of significant challenges. We carried out more full-scale investigations than last year and also helped many customers to get problems resolved without the need for a full review, for example by contacting Land Registry to enquire about the progress of an application. In addition we completed cases much more quickly and reduced costs.

We received some very positive feedback from individual customers – even in cases where we were unable to provide the result they wanted. And while it is disappointing that several customers were dissatisfied with the results of our investigations, and referred their complaints to the Parliamentary Ombudsman (PHSO) as the final authority on public

sector complaints, in each of these cases, after an in-depth review, PHSO agreed with our findings and recommendations and confirmed that the ICR office had done a good job. This was a very powerful endorsement of the skill and effectiveness of the ICR team. And, last but not least, we achieved all of this even though we moved out of our office in Dover House in May 2014 and spent the rest of the year without a permanent base.

Of course the ICR deals only with a tiny proportion of Land Registry customers. I know that the great majority are very satisfied with the service Land Registry delivers. But difficult and unusual cases are very useful for testing systems and pointing to ways of making them work better for customers.

My recommendations during the year highlighted opportunities for Land Registry to make its procedures more robust and to improve its service to customers. Land Registry's own working group, the ICR Review, Evaluation and Study Team (ICREST), has taken on these recommendations – deciding the best way to implement them and then following progress to make sure that the necessary steps are completed.

During 2014/15 ICREST has been active in improving Land Registry's communication with customers in relation to boundaries, adverse possession, amendments to title plans, identity requirements and searches of Land Registry's index map. I continue to meet regularly with representatives of ICREST to look at progress on recommendations and ensure a shared understanding of issues.

Land registration law is complex and this can make it difficult for customers to appreciate the reasons for its decisions. Two developments in 2014/15 should make things easier.

First Land Registry's website moved to GOV.UK in August 2014 and as part of the process much of the content was rewritten to make it simpler to understand. This is a really good idea and much of the information on GOV.UK is excellent. But explaining complex points in plain language is tricky and can cause confusion through over-simplification.

The Public Guides on specific topics published on Land Registry's website, which were valuable for their clear explanations of complex points in non-technical terms, are no longer available through GOV.UK. I have been supporting Land Registry in its work with the Government Digital Service to improve the content on GOV.UK, spotting and correcting statements that may be confusing or misleading and including fuller information on key topics.

Second, a specialist Citizen Centre at Land Registry Wales Office was set up to deal with applications made directly by members of the public rather than by conveyancing professionals. This means that customers who wish to handle matters themselves are able to deal with staff who are focused on the needs of citizens rather than of professional users and who have developed skill in explaining technical legal processes in plain language. I am planning to visit the Citizen Centre early in 2015/16 to learn more about how things are done there and to provide feedback from my perspective as a specialist in complaint resolution.

Turning to the wider landscape of complaint handling and alternative dispute resolution, the Cabinet Office, in response to recommendations by the Public Administration Select Committee, has been looking over the last year at ways to make it easier, across the public sector, for customers to complain. Land Registry is working with the Cabinet Office and the Department for Work and Pensions to pilot new approaches and ideas. I very much welcome Land Registry's involvement in this important project. Its experience over many years of developing its own complaints process into a highly effective tool for learning the lessons of complaints will enable it to make a strong contribution.

Another Public Administration Select Committee report led to the publication in March 2015 of a consultation on the establishment of a single Public Sector Ombudsman as the final reviewer for public sector complaints. This proposal recognises that the increasing complexity of arrangements for public service delivery needs to be balanced by simplified access for members of the public to proper redress. If the plans are implemented they will mean that complainants who are dissatisfied with an ICR review can refer the case to the Ombudsman themselves without having to go through an MP. I responded to the consultation expressing strong support for the proposals and also highlighting the role of intermediate complaint reviewers such as the ICR in supporting and facilitating the role of the Ombudsman.

In addition regulations effective from 1 July (as a result of a European Directive on Alternative Dispute Resolution) will require all 'traders' to provide customers with access to independent complaint

review. This will fill an important gap in the complaints landscape and will mean that all customers, whether in the public or private sector, will be able to obtain independent help with their complaints.

So overall it is a time of reform and opportunity in the world of complaint-handling. All the changes I have mentioned have the potential to increase awareness and understanding of the right to complain among members of the public, and to ensure consistently high standards of objectivity and professionalism whichever complaint handler they turn to for help.

Outside the direct scope of my role with Land Registry I have continued to work in other areas of complaint-handling policy and practice. I serve as an elected member of the Executive Committee of the Ombudsman Association for the UK and Ireland, working to promote shared values and standards across the sector. I also provide complaint review services for the Solicitors Regulation Authority and the Scottish Public Services Ombudsman.

In conclusion I should like to express my sincere thanks to the members of the ICR team for their determination to maintain excellent service to our customers during the disruption caused by our office move, their inventiveness in finding solutions to all problems and their unfailing cheerfulness even when severely tested by circumstances. I am pleased to report that as the end of the year approached we were able to look forward to settling into longer-term accommodation at 1 Victoria Street, home of Land Registry's sponsoring department (Business, Innovation and Skills) and also of the Shareholder Executive.

Elizabeth Derrington  
Independent Complaints Reviewer for Land  
Registry  
June 2015

## 2 The ICR service for Land Registry Customers

### Our mission

To seek a fair resolution of complaints.

### Our purpose

To provide a free, effective and impartial complaints review and resolution service that settles complaints in a proportionate manner and makes a positive difference for future Land Registry customers.

People can expect from the ICR team:

- courtesy
- honesty
- respect
- objectivity
- plain language.

### The principles of good complaint handling

The Ombudsman Association's principles of good complaint handling underpin the process I carry out when reviewing a complaint. They are:

- clarity of purpose: each review includes a clear statement of its purpose, intent and scope
- accessibility: the service is free, open and available to all who need it
- flexibility: procedures are responsive to the needs of individuals
- openness and transparency: we provide public information that demystifies our service
- proportionality: the process and resolution are appropriate to the complaint

- efficiency: the service strives to meet challenging standards of good administration
- quality outcomes: complaint resolution leads to positive change.

When I carry out a review, I also take into account the 'FREDA' principles of human rights fairness, respect, equality, dignity and autonomy.

### Our office

It is vital to my independence that I am not part of Land Registry or a civil servant. The service I provide is under the terms of a contract and service level agreement with Land Registry, and I am personally responsible for all conclusions and recommendations that come from complaint reviews. I am supported by a small team of staff seconded from Land Registry but directly line-managed by me. These staff bring to the office the benefit of their knowledge of Land Registry practice and procedure and the legislation under which Land Registry operates.

### Our remit

Anyone who has made a complaint to Land Registry and is dissatisfied with the outcome can ask me to review the matter. However, I cannot review or overturn Land Registry's legal decisions, or investigate issues that are subject to proceedings before the Property Chamber<sup>1</sup> or any other court. In addition, I will not generally be able to accept a referral made more than six months after the date of the final complaint response from Land Registry.

<sup>1</sup> From 1 July 2013, the Land Registration Division of the Property Chamber, First-tier Tribunal, took over the functions of the Adjudicator to HM Land Registry. It is part of HM Courts and Tribunals Service and, like the Adjudicator, is entirely independent of Land Registry.



### Initial enquiries

Before a complaint is accepted for review, a preliminary investigation is carried out to determine whether or not the complaint is one that falls within my remit. This may involve discussion with the complainant to find out more about his or her continuing areas of dissatisfaction, and to gain an understanding of the outcome the complainant is hoping to achieve. It may also be necessary to make enquiries of Land Registry in order to clarify that its internal complaints procedure has been fully completed. If the complaint is not one that I can consider, we will offer advice to the complainant on options for pursuing the matter.

### Full review

Where there is a full review, a summary of the issues is sent out to the complainant for agreement. This is to make sure there is a clear, shared understanding at the outset of the areas to be addressed. A copy of the summary is also sent to Land Registry. All the available information is then analysed in detail and I consider whether the concerns that have been raised are justified.

The outcome of the review is a report sent at the same time to the complainant and to Land Registry, giving my conclusions and any recommendations. The aim of a report is to set out, in as clear and straightforward a manner as possible, my opinion on the way in which matters have been handled by Land Registry, and to provide redress in appropriate cases. Both the complainant and Land Registry have the opportunity to comment on a draft before the report is finalised.

### Redress

I have three main forms of redress at my disposal and these are:

- that Land Registry should take specific action to help put things right for the customer – for example by apologising or providing extra information or explanation
- that Land Registry should make a consolatory payment (maximum £7,500) in recognition of distress and inconvenience experienced as a result of shortcomings in the service provided by Land Registry
- that Land Registry should consider practical changes to improve customer service and reduce the risk of similar problems in future.

In deciding when to consider making a consolatory payment, I have regard to the ICR office's *Financial Redress Policy*. The sums paid are relatively small sums to reflect the distress and inconvenience an individual may have suffered. They are fixed according to the seriousness of any service failures identified, as well as the particular circumstances of the individual complainant.

The table below gives an overview of the work of my office in 2014/15, comparing it with the figures for 2013/14.

### 3 Facts and figures

	2014/15	2013/14
Complaints received	139	127
Complaints resolved through intervention	11	13
Complaints accepted for investigation	42	29
Investigated complaints reported on	28	22
Investigated complaints reported on: fully upheld	5	1
Investigated complaints reported on: partly upheld	10	12
Investigated complaints reported on: not upheld	13	9

As can be seen from the above table, a number of complaints are not accepted for investigation. The reasons for this include:

- the complainant has not received a final response from Land Registry. In these circumstances, we will refer the complaint back to Land Registry to provide one
- the outcome sought by the complainant is not one that the ICR can provide and may be achievable only by taking action in the courts
- the complainant has referred the complaint for review after the normal six-month time limit has expired, or
- we have been able to secure an acceptable outcome for the complainant without the need for carrying out a full review (resolved through intervention).

We also receive many complaints that are not about Land Registry. In those circumstances my staff use their knowledge of the wider complaints resolution sector to guide the complainant to the most appropriate organisation that may be able to assist.

The following table compares the number of specific complaint issues and their outcomes with those of previous years.

Year	Investigated complaints reported on	Total issues	Issues upheld or partially upheld	Issues not upheld
2014/15	28	72 <sup>2</sup>	23 (32%)	45 (63%)
2013/14	22	55	18 (33%)	37 (67%)
2012/13	29	57	14 (25%)	43 (75%)
2011/12	30	97	24 (25%)	73 (75%)
2010/11	30	110	35 (32%)	75 (68%)

#### Recommendations

My recommendations to Land Registry are designed to provide redress to individual customers and also to help Land Registry improve its systems and procedures to reduce the risk of similar complaints recurring in future. During 2014/15 I made 28 recommendations to Land Registry and the categories in which they fall are set out in the table below.

<sup>2</sup> No decision was made on four complaint issues – either because there was insufficient information to make any finding or, on one occasion, because the ICR did not consider the matter within her remit but carried out a review in order to enable a referral to the Parliamentary Ombudsman.

Recommendation type	2014/15	2013/14	2012/13	2011/12
Apology	36%	35%	45%	34%
Consolatory payment	32%	23%	37%	23%
Review procedures/ guidance	14%	11%	7%	11%
Remind staff of existing procedures/guidance	7%	16%	7%	7%
Review/improve public information	7%	11%	4%	14%
Other	11%	4%	0%	11%

Land Registry has continued to respond positively and has given serious consideration to all my recommendations – even where, in the case of recommendations for systemic improvement, it has ultimately decided that the action proposed would be impracticable. ICREST continues to facilitate and monitor the implementation of systemic recommendations. I have been impressed by its ability to draw lessons from all aspects of my reports, even regarding issues which had not formed part of the actual complaint.

### Feedback from customers

Feedback for us – as for Land Registry – is extremely important in improving the quality of the service we provide. With all completed reports we provide feedback questionnaires. During the last year the completion of the questionnaires has been very low, so we are now looking at better ways to record the level of satisfaction with our service. Nonetheless we take seriously all of the comments that we have received.

Levels of customer satisfaction tend to reflect the extent to which I have been able to assist in achieving the customer's desired outcome. One customer in 2014/15 said: *"I am really grateful for the fact that my complaint has been upheld, but the fact that the compensation is only £1,000 is distressing."* This highlights the importance of our stressing throughout the investigation process that I have no power to award compensation for any financial loss a complainant may have suffered – that is a matter for the courts. As I mentioned in the introduction, we have also received positive feedback from the Parliamentary Ombudsman who has investigated reports referred to it by customers who, unfortunately, remained dissatisfied with the outcome.

On the other hand, where I have found service failures by Land Registry and have made recommendations for redress, we receive more positive feedback. One complainant referred to the stress he had experienced in seeking to resolve problems that had arisen following Land Registry's failure to follow its normal process and said: *"It is reassuring to know that offices such as yours are there to help and protect the public in such instances."*

As I have said we also try to help by intervening more informally. During a year which has seen a significant rise in the number of applications received by Land Registry, more people than usual have contacted us with concerns about delays in processing matters. Sometimes they have explained their frustration at not being able to speak to someone who can tell them what is happening

with an application which, in turn, has been holding up a conveyancing transaction. We have assisted both individual members of the public and legal firms who have found it difficult to find the appropriate people at Land Registry to speak to. One complainant told us: *"With one email you've got further in one day, than we have in three months."*

### Our speed of service

While we seek to provide a swift response to all enquiries, formal investigations can be extremely time-consuming. We look at all the paper and electronic files relating to a complaint; they are often considerable and extend over many years. We also need to allow time at each stage of the process to allow for the complainant and for Land Registry to provide comments. Our target is to complete a formal investigation within 26 weeks from the date that I have agreed the complaint is within my remit. In 2012/13 we had reduced the average time taken to complete an investigation to 22 weeks; this was reduced to 20 weeks in 2013/14 and in the last year the average time has fallen still further to 19 weeks.

### Financial information

As already mentioned my office is managerially independent from Land Registry.

The following table compares expenditure over the last four years and demonstrates our continuing efforts to manage our budget as effectively as possible and provide good value for money.

ICR Running Cost	Staff Costs	Administration <sup>3</sup>	Total
2014/15	£190,547	-£279 <sup>4</sup>	£190,271
2013/14	£181,857	£42,556	£224,413
2012/13	£178,358	£47,355	£225,713
2011/12	£174,858	£50,801	£225,659
2010/11	£167,407	£53,704	£221,111

<sup>3</sup> Includes accommodation costs.

<sup>4</sup> This includes a refund of rent paid for our former office.

## 4 Casebook

The complaints referred to the ICR in 2014/15 covered a wide range of subjects. Some completely new issues cropped up – for example about the handling of Land Registry’s price paid data. Other cases raised important points about how to handle customer complaints, the respective responsibilities of Land Registry and its customers, and the fact that once a property is registered it is generally not possible for Land Registry simply to reverse the process.

Where I find that Land Registry has provided poor service, my job is to recommend action by Land Registry – to put matters right, as far as possible, for the complainant and to point to steps that Land Registry should take to prevent similar problems cropping up in future. Where, on the other hand, I am satisfied that Land Registry has helped as far as it can, my role is to explain in plain language the reasons why, as an external assessor, I have concluded that Land Registry has acted appropriately. If I do not uphold a complaint I try, where possible, to point to options that may still be open to the complainant to resolve the situation.

This section gives some examples of cases I have reviewed this year, highlighting some of the common themes and some of the recommendations I have made to Land Registry.

### Price paid data

Land Registry’s publication of free price paid data has made a huge impact. People are now able, in a few seconds, to obtain information from Land Registry’s website and from commercial websites

on the last price paid for a property and also a current valuation based on the prices paid for that property and others in the neighbourhood. As with any project, success also brings challenges. The public quite rightly expect that the data published will be complete and accurate and that, if there is a mistake, it will be corrected without delay. It is fair to say that the numbers of complaints referred to me have been tiny compared with the numbers of satisfied customers, but they have provided useful indications of areas for improvement.

Mr A complained that the price paid data published for his flat was mistaken and in fact related to another flat in the same house. On investigating I found that Land Registry had taken the matter seriously and had tried to correct the error. I found, however, that there had been delays in correcting the price shown on Land Registry’s own site, and that the same problem appeared to affect similar properties in the same area. With regard to the delays, I recommended that Land Registry should apologise and offer a consolatory payment to recognise the inconvenience caused to Mr A. To provide reassurance to Mr A that other customers would not experience similar problems, I asked Land Registry to explain to Mr A the action it intended to take to ensure that similar mistakes were corrected and not repeated.

It is important that customers should feel confident that Land Registry’s approach to publishing price paid data is fair and consistent. Mr B and Ms C queried the fact that the price paid for a property they owned had not been published. Land Registry informed them that the purchase had been classified as a commercial transaction and had

therefore been excluded from publication. The complainants argued that the property had been bought on the open market and that the price paid had not been affected by the fact that it was a commercial deal. Land Registry responded that its current policy was not to publish prices paid in apparently commercial transactions but that this was shortly to change, so similar problems should not arise in future. I was satisfied that Land Registry had provided a reasonable explanation of its actions, and that its decision to change its policy showed that it was willing to respond to customer feedback. I did not therefore uphold the complaint. The complainants asked Land Registry, in the circumstances, to arrange for the price paid for the property in question to be published. However I was not persuaded that making an exception in this way would have been appropriate as it would have been unfair to others whose price paid data had been excluded for the same reason and had had no chance to request special treatment.

Mr D, in contrast, had bought a property commercially at a discounted price, and complained at the fact that the price had been published, saying that this had led to the property being undervalued on property websites. Land Registry's response was that there had been nothing to identify the purchase as a commercial transaction, and so there had been no reason to exclude the price paid from publication. Although Mr D felt that the result had been unfair, I found that Land Registry had responded promptly to his concerns and that the reasons it had given for publishing the data reflected the procedures in place at the time and the information available from the documents Land Registry had received. As I

have already noted, Land Registry's policy is due to change and publishing prices paid in commercial transactions will be the norm. Whether or not data is published will no longer depend on judgements about whether purchases are commercial, and the same rules will apply to all, leaving little room for complaints of unfairness.

#### Complaints about misconduct by members of Land Registry staff

It is rare, in my experience, for customer complaints to raise serious issues of misconduct by Land Registry staff. It is all the more important therefore that when such a situation does arise, Land Registry should deal confidently both with the customer complaint and the disciplinary proceedings.

Mr E complained about the actions of an individual member of Land Registry staff and it rapidly became clear to Land Registry, when it started to investigate, that the member of staff had disobeyed Land Registry's Code of Conduct. Land Registry took disciplinary action against the member of staff and although it provided Mr E with some information about the disciplinary process it did not respond directly to his concerns as a customer. He was very dissatisfied and asked me to carry out a review. I found that Land Registry had failed to distinguish clearly between the complaint made by Mr E as a customer and the internal disciplinary investigation, and as a result that it had failed to investigate the specific issues raised in the complaint or to report back promptly, explaining what had gone wrong and what it proposed to do to put things right. I recommended that Land Registry should apologise to Mr E for the

misconduct and its impact on him, and also for failing to respond effectively to his complaint. I also proposed a consolatory payment to Mr E by way of recognition that he would have experienced much less distress and inconvenience if his complaint had been dealt with properly in accordance with Land Registry's complaints procedure. I recommended in addition that Land Registry should review its internal guidance on handling situations of this sort to ensure that staff are aware of the need to make a clear distinction between Land Registry's internal staff disciplinary process and its customer complaints procedure.

#### Responsibility for mistakes in applications

Customers often assume that Land Registry is responsible for checking the accuracy of all the information provided by applicants or their conveyancers in an application. In fact Land Registry is generally entitled to rely on applicants and conveyancers to complete the application form correctly and to supply accurate information. This makes a lot of sense from a practical point of view as it would seriously slow down registration processes if Land Registry had to verify all the details on the application form before completing a registration.

On the other hand there are cases where Land Registry can help spot obvious errors so that the applicant can put them right. One of the complaints I investigated demonstrated how much time and trouble can be wasted if opportunities of this sort are missed.

Mr F complained that Land Registry had caused him huge problems and considerable expense

because it had failed to notify him of a fraudulent transfer of his property. What had happened was that when Mr F had originally applied for registration of the transfer of the property, his address had been mis-typed on the application form by the conveyancers. This incorrect address was entered in the register as Mr F's address. Later when an application was made, apparently on Mr F's behalf, to register the property to a third party, Land Registry wrote to Mr F to inform him of the application and give him the chance to object but sent the letter to the incorrect address and it did not reach Mr F. The third party was then registered as the new owner. When he found out what had happened Mr F had to apply for his name to be reinstated as registered owner. The new owner objected and Mr F was only reinstated as owner after a full hearing in the Property Tribunal.

Although I concluded that Land Registry had been entitled to rely on the information provided on the original application form, I also noted that the incorrect address shown on the form was very similar to the address of the registered property. I felt that a quick call by Land Registry to the conveyancers before completing the registration could potentially have saved a good deal of time, inconvenience and distress for Mr F. Although I did not uphold the complaint I urged Land Registry to keep its policy and practice in this area under review, taking into account that unquestioning reliance on the accuracy of information on application forms can allow obvious errors to go uncorrected and so store up problems for the future.



### The importance of strict impartiality

Where there is a dispute about property it is vital for Land Registry to remain impartial and to avoid doing anything that appears to favour one side rather than the other. This is not always easy and it is vital for Land Registry staff always to be alert to the risk of appearing biased.

Mr and Mrs G complained that Land Registry had been in contact for over two years with neighbours with whom they were in dispute but had not informed them of what was going on. They also complained that Land Registry had carried out two surveys without letting them know. I found that although Land Registry had not been legally required to contact Mr and Mrs G, it had been aware that there was a dispute and therefore should have recognised the need to take great care to be fair to both sides. I fully understood why Mr and Mrs G had felt, when they found out about the correspondence and surveys, that Land Registry had been biased in favour of their neighbours. While I accepted that staff had been trying to be helpful, and had hoped that the problems could be sorted out without affecting Mr and Mrs G's property, they had failed to follow Land Registry's guidance on impartiality. In responding to Mr and Mrs G's complaint Land Registry had already recognised that it had handled matters badly and had offered a consolatory payment in recognition of the distress caused. Taking into account the fact that I had found no evidence of deliberate bias, and also the fact that there was an ongoing boundary dispute, I concluded that Land Registry had recognised its failures and taken proper steps to make amends and did not propose any additional redress. The case, however, is a clear example of how risky it is

for Land Registry to try to be helpful when there is a dispute in progress.

In spite of this it is sometimes possible for Land Registry, without compromising its impartiality, to offer an authoritative assessment of the legal situation and so help to resolve a dispute by agreement. Mr and Mrs H complained that Land Registry had continued to process an application for the removal of an area of land from their registered title without taking into account the evidence they had provided to show that the land was theirs. When I investigated the whole sequence of events I found that Land Registry had acted quite appropriately in processing the application. Its duty was to be fair both to the applicants and to Mr and Mrs H. Even though it was aware that the application was hotly disputed, it had no power to decide the dispute. Nonetheless Land Registry did warn the applicants, in the light of the legal arguments on both sides, of the uncertainty of the outcome. This led directly to a decision by the applicants to withdraw their application, with the result that the dispute was resolved without the need for a judgment by a court or tribunal. I was satisfied that Land Registry, far from failing in its duty to its customers, had acted in the best interests both of Mr and Mrs H and the applicants by offering its impartial but informed comments on the situation

### The difficulty of undoing what has been done

In Mrs I's case Land Registry had granted adverse possession of a piece of unregistered land in the 1990s without realising that it was part of the land belonging to a nearby house. Mrs I was the daughter of the original owners and when she later



applied for registration of the whole property, Land Registry excluded the piece of land from her title because it was already registered. Mrs I was very upset that Land Registry, even with knowledge of the full facts, refused either to reverse the grant of adverse possession or to pay Mrs I compensation for the loss of the land.

Land Registry's position was that it had handled matters appropriately. It said that there had been nothing to suggest, when the application for adverse possession was made, that Mrs I's parents had an interest in the land, which was some distance from their house and garden. While I had considerable sympathy for Mrs I's position I had to recognise that Land Registry, when dealing with the application for adverse possession of unregistered land, had no duty to make specific enquiries about ownership, or to serve notice on anyone. Moreover, events had moved on over the years and it was not possible for Land Registry simply to reverse the registration and start again. I concluded that Land Registry could not take the matter further without a specific application. Accordingly I told Mrs I that if she wanted to pursue the matter she would need to apply herself for the title based on adverse possession to be closed. I had to point out, however, that if the registered owner objected, Land Registry would have no option but to refer the dispute to the Property Tribunal for a judicial hearing. While customers may expect that Land Registry will simply turn the clock back to restore land to an original owner, more often than not, as this case illustrates, this is not in fact possible.

[When it is best to bring correspondence to an end](#)  
It is not unusual to come across cases where

correspondence between a customer and Land Registry about the same issues has been going on for years without any progress or prospect of a solution. The very fact that Land Registry continues to reply to letters and emails can give customers false hope of progress or a change of mind by Land Registry and may prevent them from looking into other ways of sorting out the problem. The time taken and the stress and strain caused by such correspondence – mainly for the customer, but also for Land Registry staff – can be very great.

Mr J had been in correspondence with Land Registry regarding the accuracy of his title plan for over 30 years. Several years ago a court had made a decision on his boundaries and the register had been changed to reflect the court order. Mr J, however, continued to believe that his title plan was wrong and to press Land Registry to look at the situation again. Land Registry said that it could not help further and that the only option, if Mr J wished the boundaries to be looked at again, was to return to court. Mr J eventually requested a review by the ICR of the way Land Registry had responded to his requests. I recognised that Mr J continued to feel very strongly that his title plan was wrong. I was satisfied, however, that Land Registry had handled the situation fairly and reasonably, that it could do nothing further, and that it had acted in the best interests of Mr J in bringing correspondence to an end. I urged Mr J to recognise that continuing correspondence was not going to produce the results he wanted but would simply cause more distress.

Ms K came to Land Registry as a result of a dispute within her family about the administration of an

estate. She felt that the estate was not being handled properly and hoped that Land Registry would support her claim that a transfer of a property had been wrongly registered. Land Registry replied that it had processed the transfer correctly and had no role in investigating the way in which the estate was being administered. I was satisfied that this was a fair and appropriate response. I was concerned, however, to find that before the complaint was referred to me, Ms K and Land Registry had been in correspondence for nearly four years without any progress and without any offer of an independent review. I felt that Land Registry had missed several opportunities to provide a full and final response and then to bring the correspondence to an end, giving Ms K the option of an independent review. If this had been done it would have saved Ms K the inconvenience and distress of pursuing her correspondence with Land Registry for so long, avoided raising expectations that Land Registry might change its mind and enabled her to consider other options much earlier. I recommended that Land Registry should acknowledge that it had not handled the situation well and should offer a formal apology.

#### [The need for caution in offering assurances about the future](#)

Land Registry is a key part of our national legal and economic framework and is, quite rightly, highly respected by the public. Customers naturally set great store by statements made and assurances offered by Land Registry. It is therefore especially important for Land Registry staff to be cautious in making statements or offering assurances about what will happen in the future, since the future is of course notoriously unpredictable.

Mr L complained that Land Registry had given him a written assurance in 1995 that a specific area of land would not be registered to the local council as the council's title was defective. Mr L understandably regarded this as a guarantee that such a registration would not happen. In fact many years later the council made an application for registration of the land and was successful. I found that the member of staff who had given the assurance in 1995 had made a mistake and had had no power to make such a promise. I recommended that Land Registry should apologise for the mistake made in 1995 and for the distress Mr L had experienced later when he found that the land had in fact been registered to the council. I also recommended that Land Registry should consider whether there was any need for it to provide training or guidance for staff to prevent similar mistakes being made in future.

#### [Land Registry requirements for identity evidence](#)

Although most people hire conveyancers to deal with their property transactions, some prefer to handle matters themselves. As mentioned in my introduction, Land Registry has set up a specialist team of staff at its Wales Office to handle applications made directly by members of the public. This should help Land Registry to develop a better understanding of the needs and expectations of its non-professional customers so that it can respond more appropriately to their questions and concerns. An issue specific to 'citizen customers' that has been raised a number of times in cases referred to me is Land Registry's practice on identity checks.

Members of the public who make applications

themselves must have their identity checked before Land Registry will accept their applications. This is part of Land Registry's strategy to combat property fraud. A number of customers have complained, however, that Land Registry currently insists on having the checks done by a conveyancer – rather than offering a list of people qualified to do so. Mr M wrote several times to Land Registry asking for the 'chapter and verse in legislation' that entitled it to require checks specifically by a conveyancer. His reason for asking was to help him decide whether he could get the requirement changed without a change in the law. I found that although Land Registry had referred Mr M to its published guidance on identity requirements, it had not answered his specific question. I also set out as clearly as I could the complex legal situation regarding identity check requirements and recommended that Land Registry should apologise to Mr M for failing to deal with his enquiries properly. In addition I urged Land Registry to complete a planned review of its published information on identity checks and recommended that in the meantime it should think about providing guidance for staff on how to respond clearly and consistently to customer enquiries on this complex subject.





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