

Welsh Government Consultation Document no. WG32209 (issued 19 June 2017)

Interpreting Welsh Legislation

Considering an interpretation Act for Wales

We thank you for the opportunity of contributing to your consultation on interpreting Welsh legislation.

By way of background, HM Land Registry's statutory remit, including the administration of the land charges register under the Land Charges Act 1972, and agricultural credits register under the Agricultural Credits Act 1928, extends across both England and Wales. A number of properties "straddle" both countries.

HM Land Registry's predominant function is in respect of the registration of land in England and Wales and interests that affect it. The work that we do is affected by a large number of statutes. For example, a statute might provide that the powers of a particular sort of owner to dispose of their interest are limited; HM Land Registry may make a particular entry on registered titles owned by that sort of owner to avoid such disposals taking place.

The Infrastructure Act 2015 enabled HM Land Registry to undertake new services that would further improve the conveyancing process or benefit the wider property sector. The first step we are taking is to create a digitised local land charges register that will improve access to data, standardise fees and improve turnaround times for property professionals and citizens.

If the proposals for a new interpretation Act for Wales were to proceed, care would be needed to ensure there were no unintended consequences or effects on existing legislation or future legislation for Wales (or those who use such legislation), particularly if any new Act were to apply to legislation passed before it came into force. It would also be important to consider carefully any potential practical implications for HM Land Registry processes given its trading fund status.

HM Land Registry provides a guarantee in respect of those interests that it registers. The provisions of the guarantee are complex. Bearing in mind that the effects of an Interpretation Act can be far reaching, our primary concern is that there is legal certainty (insofar as any matters that might have an impact upon HM Land Registry are concerned and in respect of both existing and future law) which is vital to the operation and integrity of the registers. We would see legal certainty as including the need for provisions that apply in England and Wales being clear and uniform application in both, included in their interpretation.

The general point made above will have particular importance where parcels of land span both sides of the boundary between England and Wales, but in those cases we would also need certainty as to how each piece of land is to be dealt with.

We would be happy to assist in the development of any proposals in this area.