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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Local Land Charges (Fees) (Wales) Rules 2020

Date of issue: 11 August 2020
Action required: Responses by 3 November 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview This is a consultation on the draft Local Land Charges (Fees) (Wales) Rules 2020.

How to respond Responses can be emailed or sent direct to:

Local Government Finance and Workforce
Partnerships
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
email: LGFPmail@gov.wales

Further information and related documents **Large print, Braille and alternative language versions of this document are available on request.**

Contact details For further information:

Local Government Finance and Workforce
Partnerships
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

email: LGFPmail@gov.wales

telephone: 03000 628233

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data, which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses, then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. The Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response, then these published reports will be retained indefinitely. Otherwise, any of your data held by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

email:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

Background

Local Land Charges are generally financial charges or restrictions on the use of land or of a property imposed by public authorities under statutory powers. Under the Local Land Charges Act 1975 local authorities are required to keep a Local Land Charges Register (“LLCR”) that records obligations affecting land and properties within their administrative area. Under the Infrastructure Act 2015 (“the 2015 Act”) responsibility for the LLCR was transferred to the Chief Land Registrar and HM Land Registry.

The 2015 Act also sets out the procedure for the transfer of responsibility for Local Land Charges from originating authorities to HM Land Registry. In Wales, local authorities are originating authorities. Once responsibility has transferred, HM Land Registry on behalf of the Chief Land Registrar will be responsible for maintaining the LLCR, and have subsequently developed a centralised, digital register that can be accessed via an online portal. The aim is to provide a standardised, consistent customer experience and improve search return times. Further information on the *Local Land Charges Programme* from HM Land Registry can be found [here](#).

Local Land Charges are a reserved matter with the exception of the prescribed fee and method of payment for an official search (also known as an ‘LLC1 search’), which are devolved to Welsh Ministers. As the 2015 Act is now in force, Welsh Ministers are required to draft legislation to amend the level of fee to facilitate compliance with the 2015 Act.

The purpose of the consultation is to provide comments on the statutory instrument to amend the fee chargeable and method of payment for Local Land Charges searches in Wales. Accompanying the consultation are the draft Local Land Charges (Fees) (Wales) Rules 2020 (“the draft Rules”) which will implement the new fees and methods of payment as from 1 April 2021.

The consultation is open for a 12-week period from 11 August 2020 to 3 November 2020.

What changes are proposed?

Amendment of the Fee

The current fee in Wales is set at £6 for an official search of the LLCR, held by a local authority. The draft Rules will increase the fee to £15 for an official search of the LLCR, aligning with the fee set in England. The fees are set out in the Schedule to the draft Rules.

One universal fee is required for the new central, digitised system under HM Land Registry to work efficiently. If fees in Wales remain at £6, this would result in cross-subsidisation from English land purchasers. Additionally, if the fee is not amended, it may result in Welsh local authorities being unable to transfer their respective LLCRs to the Chief Land Registrar resulting in the relevant provisions of the 2015 Act not being implemented in Wales.

The draft Rules will only come into effect in a local authority administrative area in Wales from the date specified in a written notice served by the Chief Land Registrar on the relevant local authority for that area, in accordance with paragraph 40(1), Part 4 of Schedule 5 to the Act 2015 Act. Until such time, the current fees regime under the Local Land Charges Rules 1977 remains in place.

Method of Payment

Rule 3 prescribes when fees for services are payable and how the fees for those services are to be paid.

Revocation

Rule 4 revokes Rule 14 of, and Schedule 3 to, the Local Land Charges Rules 1977 as they apply in Wales. With the exception of those provisions, the Local Land Charges Rules 1977 were revoked by the Local Land Charges Rules 2018. In Wales, once responsibility for the LLCR has transferred from each local authority to the Chief Land Registrar, Rule 14 and Schedule 3 will cease to have effect.

Rule 5 makes consequential amendments to the Local Land Charges Rules 2018.

Next Steps

We are taking this opportunity to seek views on the draft Rules.

Following the close of the consultation, all responses will be analysed and any necessary amendments made to the draft Rules. A summary of consultation responses will also be published on the Welsh Government website. It is intended that the draft Rules will be laid before Senedd Cymru so that they can come into effect on or before 1 April 2021.

Consultation Response Form

Name:

Email:

Telephone:

Address:

Post Code:

Organisation (if
applicable)

Returning this form

The closing date for replies is 3 November 2020

Please send this completed form to us by e-mail to:

LGFPMail@gov.wales

When sending your response by e-mail, please mark the subject of your e-mail **Local Land Charges (Fees) (Wales) Rules 2020 Consultation**.

Alternatively, please complete the consultation response form and return by post to:

Local Government Finance and Workforce Partnerships
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Question 1: We are seeking your views on the content of the draft Rules and their practical application. What comments or observations would you like to make in relation to the draft Rules?

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please state here: