

Stoke St Michael Parish Council: Report on the Advantages and Disadvantages of Registering Council-Owned Land with HM Land Registry

Background

The Parish Council holds the original title deeds for Playing Fields; these have not previously been registered with HM Land Registry. The Council is considering whether to proceed with voluntary first registration of this land.

This report outlines the potential advantages and disadvantages of registering the land at this stage.

Advantages of Registering the Land

1. Legal Certainty and Protection

- Registration creates a single, official and legally authoritative record of ownership.
- Reduces the risk of boundary disputes, third-party claims, or issues of adverse possession.
- Protects against fraud, as the registered title is harder to challenge or forge.

2. Simplifies Future Transactions

- Easier to sell, lease, or mortgage the land if required.
- Title information is readily accessible and does not rely solely on original paper deeds, which may deteriorate or be lost over time.

3. Secure Digital Record

- Land Registry keeps a digital record that is backed up and secure.
- Reduces reliance on historic paper documents which may be difficult to interpret in the future.

4. Facilitates Transparency and Governance

- Provides clear public information on parish council assets, which may be helpful for audit purposes, grant applications, or public accountability.
- Supports effective asset management.

5. Reduces Risk of Deeds Loss or Damage

- Should the original deeds be lost, registration ensures ownership is still fully recorded and protected.

6. May Help in Insurance and Liability Matters

- A registered title may simplify insurance arrangements or clarify boundaries in case of incidents affecting the land.

Disadvantages of Registering the Land

1. Cost Implications

- There will be a fee for voluntary first registration, based on the value of the land.
- There may also be legal or professional fees if solicitors or land agents are engaged to assist with the process. An initial quote for legal was obtained of £1500 + VAT to prepare the paperwork. The land registry also charges a fee according to the value of the land, so the land would need to be valued

2. Administrative Workload

- Preparation for registration may involve time-consuming work, such as compiling supporting documents, plans, and declarations, especially if the deeds are old or incomplete. The land registry is currently up to and exceeding two years to complete the paperwork.

3. Potential for Minor Discrepancies

- The registration process may reveal minor discrepancies between the deeds and current occupation (e.g. boundaries, easements, rights of way) which may need to be resolved or clarified.

4. Public Visibility

- Once registered, details of ownership are publicly accessible. While this promotes transparency, some councils prefer discretion over certain holdings.

Recommendation

The Parish Council may wish to seek quotations from local solicitors or land agents experienced in voluntary first registration for public bodies, to establish the likely cost and confirm the documentation required.

The Council's solicitors have as the Parish Council hold the original deeds, there is no issue.

The Council has reserves within the budget which would need to be used.