

Derby Property Lawyers Association

Minutes of the meeting held on Monday 11 January 2010 at 5.15pm,
The Olde Spa Inn, Abbey Street, Derby.

PRESENT

David Morton
Chris Mills
Joanne Jones
Michael Sayer
Liz Knott
Natalie Hearne
John Rourke
Sarah McCarthy

APOLOGIES

None received

1 Chairman's Report

The minutes from the previous meeting were accepted. **DM**
David welcomed Sarah McCarthy to the meeting.

2 Treasurers Report

The Cheque for £500 has now been banked into the current **LK/NH**
account. The latest invoice for The Spot (£77.02) is due for
payment.

3 Secretary's Report

There was no secretary's report. **CM**
CM confirmed that the last set of minutes had been
published on the website.

4 Matters Arising

LOCAL LAND CHARGES SEARCHES **JJ**
Joanne will be attending the next meeting on March. She
has been sent a list of contact details and offered to send
this to the committee members. Joanne will invite her
contact to attend the AGM and Land Charges Presentation

in February.

SUBSCRIPTIONS

NH

The costs of subscriptions was proposed to be discussed the forthcoming AGM, increasing them from £15 for an individual to £25 and from £30 for a firm to £40. David suggested that we also review the cost of presentation fees. The committee felt that these had recently been increased and that these should not be increased. John suggested though that maybe we get more income from presentations that we do from subscriptions, so maybe we would be better off increasing the presentation costs rather than the cost of subscriptions. This would be proposed at the forthcoming AGM. It will be proposed that they increase from £10 to £15 and £20 to £25. It was felt that this was still reasonable in comparison to the cost of current CPD presentations.

CHURCH LAND

CM

Chris has not seen the person in question to ask him about this.

Carry Forward

CM

TREASURY SOLICITOR

Chris is to try and contact them to invite them to carry out a future presentation.

Carry Forward

5 FUTURE PROGRAMMES

Landlord & Tenant for Domestic Property Lawyers

Carry Forward

Property Related Litigation

Carry Forward

Leasehold

Carry forward

6 Any other business

- 6.1** Sarah McCarthy from The Smith Partnership introduced herself and explained that she is responsible for setting up the Land Registry Portal at the firm and had encountered

some issues in the process. These issues had caused some alarm bells to ring. She explained to the committee that in setting up the portal every firm has to sign a Network Access Agreement. On the course that she attended only 4 out of the 80 had actually signed the agreement. She learned that when amending the register, any mistakes made by the firm leaves them liable and the liability in this case is unlimited. Sarah advised that it might be best to apply for the portal and then restrict the level of users who have access to it. This process is putting more responsibility on the solicitors and the level of users making mistakes could potentially be very high. In discussion it was felt that firms who carried out checks under the CML Handbook on applications should be okay. However, if these checks are not carried out, problems with fraud and indemnity could arise. Chris suggested that all firms must be very sure of the people that they give certain levels of access to. He suggested that if the indemnity payments currently encountered by the Land Registry, and paid out of their funds, are being transferred to the firms using the portal, this might result in a decrease in Land Registry fees. Joanne felt that these extra responsibilities would still have to be charged to the client to cover the extra time they would be spending on altering the register.

6.2

Land Registry District Teams

Chris informed the committee that it seems to be the future of the Land Registry to focus their teams on customers, rather than the current way of working by district. Chris suggested that this might create a conflict of interest and wondered if the smaller firms would not get the same level of service in comparison to the bigger firms.

6.3

UPDATING LAND REGISTRY PLANS

David brought up the issue that it is not the policy of the Land Registry to update title plans and asked the committee if any others had encountered any issues with this. Having written to the Land Registry, David had received a letter refusing his request for a title plan to be updated to reflect the latest Ordnance Survey detail and felt that this wasn't very helpful. Chris explained general boundaries and that the title plans are only an indication from the Land Registry's point of view and they are not used to define the land. He

6.4 also explained that the updating of any title plans would not generate any income and is only to be used alongside the register. David took on board all of Chris's points and explained to the committee that he did not require the red edging to be altered in anyway; he just required the surrounding detail to be updated. David put it to the committee if there was any merit in the DPLA complaining about this to the Land Registry so that they appreciate that there is an issue that needs addressing. John suggested that maybe a flyer could be sent out to our members to gauge their opinions and any potential support. Chris informed the committee that the more people who complain, then the Land Registry are more likely to take the comments on board. **DM**

RUSHED COMPLETION FEES

6.5 David informed the committee that his firm charge £100 for any rushed completion fees. He asked the committee if anyone else were charging similar and felt that it might be worthwhile for all follow a similar procedure. David suggested that a note be added to the AGM circular to inform members that this would be a point for discussion.

NOTTINGHAM BUILDING SOCIETY

David informed the committee that he has recently discovered that the Nottingham Building Society are no longer affiliated with the Council for Mortgage Lenders (CML) and are now affiliated with the Building Society Association (BSA). He asked the committee if anyone else had encountered this and if it had affected the indemnity. Questioned whether the BSA had the same referral process as the CML. No one had encountered this.

7 Date and time of next meeting

Monday 8 February 2010, 5.00pm at The Spot, Sacheverel Street, Derby.