

## **Automation, the Land Registration Act and the Future**

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This paper considers the development of electronic conveyancing in England and Wales and, in light of that experience, considers the prospects for automated conveyancing. The Land Registration Act 2002, the product of joint work by the Law Commission for England and Wales and HM Land Registry, provided the legal framework for the development of an ambitious, “dematerialised” model of electronic conveyancing in which all aspects of a transaction would occur electronically. The Act envisaged that electronic conveyancing would revolutionise the conveyancing process, fundamentally changing the role of HM Land Registry and conveyancers. Electronic conveyancing lay at the heart of the fundamental objective of the LRA 2002; that the register should be a complete and accurate reflection of the state of the title of the land at any given time.

Although significant steps towards electronic conveyancing have been taken, a system to implement the model anticipated in the LRA 2002 has not been developed. In its 2016 Consultation Paper, *Updating the Land Registration Act 2002*, the Law Commission set out a new vision for electronic conveyancing, and made provisional proposals designed to enable electronic conveyancing to develop along more flexible lines. The Law Commission’s final recommendations for reform will be published in July 2018.

Drawing from the experience of electronic conveyancing, this paper reflects on the relationship between law reform and legal practice as drivers for innovation in conveyancing, and the challenges of legislating for technological development. It argues, further, that any move to automation in England and Wales needs to be considered holistically in the context of the operation of the Land Registration Act 2002, particularly the guarantee of title and the indemnity scheme.