

# Levelling Up Act

## Information about interests in land



### In brief

- The Levelling Up and Regeneration Act 2023 (the Act) contains new powers in Part 11 to create regulations relating to disclosing information about interests in and ownership of land that could impact rural practitioners, land managers, owners and trustees across the UK.
- Such regulations have not yet been published or implemented, but it is important to be aware of the extent of the information disclosure obligations that could be created.
- Failure to comply with the requirement to provide information will be a criminal offence.
- The government has separately consulted on proposals to make land ownership in the UK involving trusts more transparent.

### Information about land ownership

Section 219 sets out new powers to create regulations that will enable the Chief Land Registrar or another person exercising public functions on behalf of the Crown to obtain information about interests and dealings in land where the purpose of that information falls within one of three permitted purposes:

#### 1. The beneficial ownership purpose (England and Wales only)

S220 provides that information is within the scope of the beneficial ownership purposes if it appears to the Secretary of State that the information would be useful for the purpose of identifying the beneficial owners of land in England and Wales or understanding the relationship of those persons with the land that they beneficially own. A beneficial owner has the same meaning as that used within the Money Laundering Regulations, applying to corporates and partnerships, and trusts, foundations, or probate arrangements.

#### 2. The contractual control purpose (England and Wales only)

S221 contains broader powers to request information 'useful for the purpose of understanding relevant contractual rights', including identifying the persons holding them and understanding the circumstances in which they were created or acquired. 'Relevant contractual rights' are defined as those arising under a contract, relate to the development, use or disposal of land in England, and are held for the purposes of an undertaking. 'Undertaking' includes a business, a charity or a similar endeavour, and the exercise of functions of a public nature.

#### 3. The national security purpose (UK)

This purpose covers information requests where there appears to be a threat to national security arising in connection with the location of the land or anything situated or done on it. Information powers extend to identifying persons who own relevant interests, have relevant rights, can control the owner of a relevant interest, or where it would be useful for understanding the relationship of those persons with the land.

### What can be requested?

Subject to it being needed for a permitted purpose, the information that can be requested is very wide-ranging. Future regulations could require the disclosure of transactional information about instruments, contracts or other arrangements:

- a) Creating, altering, extinguishing, evidencing, or transferring relevant interests in land, or
- b) Conferring, amending, assigning, terminating or otherwise modifying relevant rights concerning land.

'Transactional information' means the details of the parties to the transaction, details of persons whom they were acting on behalf of, details of the terms of the transaction, details of the persons providing professional services, details of the source of monies, and copies of documents.

### Failure to comply is a criminal offence

Failure to comply with a request for information, without a reasonable excuse, under the new regulations will be a criminal offence under section 225. This extends to knowingly or recklessly providing false or misleading information.

### Transparency of land ownership involving trusts

The government has separately consulted on proposals to make land ownership in the UK involving trusts more transparent. The intention is to make it possible to find out who controls or derives economic benefit from land. Some of this trust information is already held on government registers such as the Register of People with Significant Control over companies, the Register of Overseas Entities and the Trust Registration Service, but it is not currently publicly available or linked to land ownership records. The [consultation](#) detailed many possible transparency options and related to both overseas and UK-based trusts. It was described as a first step on the road to the government's transparency ambitions, action following it will most likely use the powers in the Act.

### Conclusion

The explanatory memorandum to the original Bill suggested the current government envisaged 'collecting information on a range of transaction types for a range of purposes', including meeting its commitment in the 2017 housing white paper on land transparency (to collect and publish data on contractual arrangements used by developers to control land), and also to identify attempts to evade sanctions, and for the purpose of new disclosure requirements on companies under the Economic Crime (Transparency and Enforcement) Act 2022. What's clear, however, is regulations under section 219 of the Levelling Up and Regeneration Act may go much further in specifying what information about more routine land transactions should be disclosed. It remains to be seen when such regulations are brought into effect.

### Contacts



Andrew Teanby  
Associate Director  
[ateanby@savills.com](mailto:ateanby@savills.com)  
+44 (0) 7835 445 458



Kelly Hewson-Fisher  
Head of Rural Research  
[kelly.hewsonfisher@savills.com](mailto:kelly.hewsonfisher@savills.com)  
+44 (0) 7977 539 956

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