



Isle of Man Land Registry

Practice Directive: PD 02/2017

Issued on: 29 November 2017

Additional documents evidencing notice to interested parties which may be presented with an application for first registration (Voluntary applications and applications when the disponent and disponentee are not separately represented).

The Registrar for the purposes of the Land Registration Act 1982 considers it necessary or desirable to enable prospective applicants for first registration of the ownership of a legal estate to give notice of the intention in advance of lodging an application for registration where the prospective application:

- a. has not been made compulsory by virtue of PART 1 of Schedule 2: *Compulsory Registration* of the Land Registration Act 1982 (Voluntary Registration) **and/or**
- b. will be made subsequent to a transaction triggering first registration in which both parties were represented by the same advocate or firm of advocates (excluding the registration of money burdens).

In accordance with Rule 99 of the Land Registry Rules 2000 I direct that:-

- (1) Applicants that elect to serve notice prior to lodging an application must serve notice to any persons appearing to have an interest in the affected land or in possession of it including (as appropriate):
 - (i) the owners of adjoining land;
 - (ii) persons whose land is subject to or burdened by rights and interests in favour of the subject property;
 - (iii) persons who are entitled to the benefit of a covenant over the subject land which they may enforce against the owner or occupier of the subject land; and

- (iv) persons who have acquired, or are in the course of acquiring, all rights consequent on the Limitation Act 1984

by service to the address of such a person **or** by the placing of an advertisement in one or more newspapers published and circulating on the Isle of Man. Such advertisements are to be in a form approved by the Land Registry from time to time and to bear a pre-application reference number issued on request by the Legal Officer (Land) on behalf of the Land Registry.

I further direct that if a prospective applicant elects to serve notice in advance of an application then for it to be recognised by the Land Registry the following formalities must be observed:-

- (2) The notice is to be given no more than three months before presentation of the application in the Land Registry and no less than 21 days' notice is to be provided save with the consent of all interested parties.
- (3) A laminated notice on A4 card is to be prominently displayed by an Applicant or its Advocate on and near the land at its nearest point to a public highway for a period of not less than 21 days (terminating no sooner than the date of submitting an application for first registration). This notice will contain an extract of a Land Registry compliant map of the land to be registered (or a reference to an Advocate's office where this is available for inspection) together with a statement of the name of the applicant, the intention to register the land and a summary of the grounds for doing so, and providing a deadline for objections (no later than 21 days from the date of the notice) and an address for service of objection notices at an appointed Advocate on the Island.
- (4) On submitting a Form 1 relating to an application covered by this Practice Directive all lodging Advocates are required, until such time as Form 1 is revised, to provide an additional written certificate in the following form: "*This is an application to which Practice Directive PD02/2017 applies. I have given or caused to be given appropriate notices to all persons appearing to have an interest in the land or in possession of the land. A prominent notice has been displayed at the land for no fewer than 21*

days prior to this application. I have received no objections save those disclosed to the Registrar in this application." [the appropriate disclosure is then to be made.]

- (5) Any objection(s) or claim(s) to an interest in land subject to the application will be notified to the Land Registry at the time of application and dealt with in accordance with the provisions of *PART 11: PROCEEDINGS IN THE LAND REGISTRY* and *PART 12: PROCEEDINGS BEFORE LAND COMMISSIONER* of the Land Registry Rules 2000.
- (6) The Registrar may from time to time issue further practice directions amending the procedure to be followed for the service and advertisement of the notice of first registration and the proof of such service.
- (7) This Directive will come into force on the 5th day of March 2018 at which point Practice Directive PD01/2017 will cease to have any effect. Prior to this date the permissive powers contained within this Practice Directive and in Practice Directive PD01/2017 allowing applicants to advertise a prospective application in advance of an application shall be recognised by the Land Registry where an applicant elects to serve notice in the manner set out in those Practice Directives.

Made in Douglas this 29th day of November 2017

By authority of:



Nicholas Arculus
Assistant Chief Registrar
Legal Officer (Land)

Explanatory Notes: (not forming part of this Practice Directive)

1. This Directive comes about as the result of a review of the practice relating to providing notices to interested and neighbouring parties relating to applications for first registration.
2. This Directive does not limit the powers of the Registrar to require the submission of further or additional evidence or service of further notices which are deemed to be necessary or desirable.
3. Pro forma forms of notices will be made available on the Land Registry website.

4. Advocates and Applicants are not obliged to serve notice in advance of lodging applications for first registration in the class of proceedings the subject of this Practice Directive but if they elect to do so should follow the provisions contained within this Practice Directive PD02/2017 or its precursor PD01/2017.