



Land Registry User Group

Minutes of Meeting

Date : Wednesday 22 April 2020
Time : 11.00 am
Venue : Conference Call.

Present: Nicholas Arculus, Land Registrar, (Chairman)
Tracy McQuillan, Attorney General's Chambers (TQ) Colin Falconer, Project Manager (CF)
Alex Poole-Wilson, Cains (APW) Nigel Lewney, Registries Manager (NL)
Alexandra Dernie, Applebys (LD) Shona Quayle, Long & Humphrey (SQ)
Carol Young, M&P Legal (CY) Jeff Jepson, Applybys (JJ)
Stephen Castle, Corlett Bolton, (SC) Edward Clague, Acting Registrar General (AgRG)
Thomas Harmstone, Quinn Legal (TH) Zita O'Kelly (Callin Wild) Zo'K
Irimi Newby, Simcocks (IN)

Apologies:

Graham Kirkpatrick, Dandara Group Legal Department (GK) [unable to dial-in]
Juan Moore, IOM Law Society (JM)
Ruth Ledger, Pringle Law (RL) [unable to dial-in]
Ray Marley, Callin Wild (RM)

Note, the Chairman spoke with RL after the meeting taking her through what had been discussed.

1. Welcome, introduction and apologies.

The Chairman welcomed users to the second meeting of LRUG for 2020.

2. The minutes of the meeting of 19 February 2020 were approved without comment.

The Chairman informed members that minutes from September 2019 are on the website.

3. Matters arising from meeting of 18 September 2019.

1) Manx Utility burdens.

The Chairman confirmed that consideration of various matters raised in relation to MU register entries remained with him to progress. A national state of emergency had intervened.

4. Land Registry Update:

- (a) Workflow statistics
- (b) Workload
- (c) User feedback [dealt with in Item 5] and
- (d) Property market update from Members

NL explained that the Workflow Statistics had not been prepared in the normal way because the office was closed and our system replaced since the last meeting. In future LRUG will receive more substantial reports but these may be in a different format. As a result of the Covid lockdown our numbers were limited to 46 applications in April to date while numbers were normal if a little low for March.

Members were taciturn on the question of predictions for the property market. IN commented that lots of work was being put on hold pending an end to the lockdown and to greater certainty generally. Market confidence is hard to gauge at this stage.

5. Deed Registry (including Manx Museum) and Land Registry services during the State of Emergency. User feedback on search and application methods (e-submission).

The Chairman began by thanking members for the spirit to which they had adapted to the new modes of working that had been introduced at the Land Registry. In accordance with the directions of the Chief Minister that everybody should work at home wherever possible the Land Registry had been closed to the public since 25 March 2020. In accordance with the Land Registry Rules 2000 the Registrar had provided notice in the local press and to the Law Society of the closure of the office to the public.

All Land Registry services continue to be provided and our website www.gov.im/landregistry contains full details of how to avail oneself of inspection services and also how to make applications by email in accordance with the provisions of Land Registry Practice Directive PD02/2020. The Arbitration hearings of the Registrar and of the Land Commissioner are presently on hold.

Members were asked to use the designated email addresses rather than emailing staff directly. This makes it easier to ensure applications were processed in priority order.

The Registrar reminded applicants for registration that any payment by BACS must be accompanied by a payment reference in the following form “LDyyyynnnnn” Where yyyynnnnn is the application reference number provided to applicants. Payment without such a reference number will be returned to the bank.

Members were invited to feedback on the Registry’s performance during the proclamation period. The consensus was that the Land Registry team were continuing to provide a service, under challenging circumstances, that allowed Advocates to obtain Land Registry services.

The Registrar thanked the Museum staff who had agreed to provide copy deeds to advocates on request. TQ could not recall receiving the email for this service. NL to address this after the call.

CF provided a brief update to Members of the efforts being put in hand to deliver a full online service as part of the Land Registry IT platform project. This is a long-term project but CF is currently trying to find a way to make a view of the Land Registry index map available remotely to Members to replicate the view they formerly had of the Public Counter Index Map. CF also outlined that an ad hoc method of allowing Advocates to purchase documents such as office copies of title

was also being solutionised. The Chairman thanked CF for his efforts but reminded Members that this aspect of delivery was heavily dependent on the Government Technology Service who were naturally providing assistance across Government.

6. Update on Land Registry system upgrade including the way burdens and appurtenances are recorded on the office copy

The Chairman reminded Members that the new Land Registry system had only recently gone live and was effectively still in the early stages of Live testing and assurance. A number of issues had been identified as part of the new processes and these were being addressed with the suppliers. These were:

1. The way Burdens and Appurtenances are ordered on new editions.
2. The description of sole owners as “Co-owner status: Sole Tenant”
3. The description of “Island polygons coloured green” not being carried over into new title editions. [Raised by email by GK who could not join the call].

All these items were being explored with the suppliers. The Chairman didn't consider they affected legal rights but nevertheless the presentation was not what Members wanted and work was in hand to address this.

The Chairman asked for any further identified issues to be referred to either him or NL in the normal way.

7. Electronic discharges. Santander

Santander had approached the Land Registry for methods of confirming to the Land Registry that their charges has been redeemed and could be discharged other than by putting “wet signatures” on to Forms 15/16. This is because Santander personnel are working remotely and so are unable to sign these forms in the normal way. The Registrar has suggested the following method:

1. Advocates submit an application together with the agreed but unsigned Form 15/16 marked “To be signed electronically”.
2. The Advocate will be provided with an application number.
3. The Advocate communicates with the Bank providing them the Form 15/16 together with the Form15/16 in electronic copy and the application number.
4. The Bank, Team A, emails the Land Registry citing the application number confirming the charge may be discharge as set out in Form 15/16.
5. The Land Registry emails the Bank, Team B, seeking confirmation that this is all in order.

This will be sufficient for the Registrar to accept that the monies due have been receipted and the charge may be discharged.

The Chairman asked for objections/comments. None were received. NL is to progress this with Santander.

SC said he'd been told by one lender that they were just executing things electronically and he asked if this was acceptable to the Land Registry. The Chairman said it was not. Only Santander had contacted the Land Registry to find a work around solution for overcoming today's exigencies. All other banks will have to sign Form 15/16 in the normal way - which is not to say the Land Registry is against extending this model to other institutional lenders by agreement.

8. Legislation, Practice Directives & Guides:

Emergency Powers orders and Cabinet Office/Law Society guidance.

The Chairman advised Members that the Emergency Powers (Prohibition on Movement (Amendment) (No2) Regulations 2020 (SD20200260) had been signed yesterday (21 April 2020) and had the effect of confirming previous Cabinet Office guidance that moving house could proceed. This document had been consulted on by the Cabinet Office with the Law Society property committee. There is an associated guidance note to be published shortly if it has not already been published on the COVID-19 page.

IN confirmed that consultation had taken place. The IOMLS were not entirely satisfied with the guidance as certain definitions, which may have provided more clarity, were not included. The IOMLS would be amending their own guidance to the profession by referring to the new (welcome additions) to the Regulations and urging members to follow the joint guidance provided in relation to entering into contract at the present time. Members are also urged to refrain from serving notices to complete otherwise than in cases where properties were vacant or there was no chain and a genuine critical case for a move to proceed was present. IN also emphasized that each transaction should be assessed on its own circumstances in light of the amendments to the regulations.

RL raised the point that this also impact on the prudence of putting searches in hand because at the end of their normal 3 month period of currency the client may find that they need to perform new searches. RL commented that removals men were still not working so practically moving was very difficult. The Chairman said that as part of the drafting work for SD2020/0260 this had been raised. The draftsmen were of the opinion that Removal firms were covered under the “logistics exemption”. The guidance note may address this.

The Chairman repeated the message of Government that it expects Common Sense to prevail in all things.

9. Time period extensions. Compulsory Registration and Office Copy Approvals.

9.1 The Registry have listened to Members’ request that the fee for resurrecting deeds voided for want of registration after three months be waived where the non-registration results from the State of Emergency.

Under Section 23 of the Land Registration Act 1982 compulsory applications for registration must be submitted within 3 months of the relevant trigger event (eg completion of a sale of property). In default of this the instrument effecting the sale becomes void.

Void documents can be resurrected only by application to the Land Registrar and at his discretion. The Land Registration Fees Orders 2019 SD2019/0229 imposes a fee of £100 for each application and a further £30 fee for further applications (within a timeframe set by the Land Registrar on first approval).

The Isle of Man Law Society have made representations that during the State of Emergency this 3 month time period is likely to cause injustice as there will be

more occasions when documents cannot be prepared on account, inter alia, of the Closure of the Deed Registry to members of the public, search clerks and conveyancing professionals. They anticipate this injustice will be felt most keenly by members of the public already affected by the restrictions imposed as a result of the Proclamation of the State of Emergency which now exists.

The Land Registrar considers it would be appropriate to waive the fee of £100 (and subsequent extension fee on a discretionary basis) where advocates are able to demonstrate the expiry of the period for registration fell within the period of the State of Emergency. Such a waiver would remain discretionary and that greater chance of success will be likely if the application for submission of an extension for the period of registration is submitted to the Land Registry in advance of the expiry of the deadline

On April 8th the Land Registrar requested a Treasury Waiver and this is with the Treasury Minister for approval as we speak. Members are encouraged to reflect on the Treasury Minister's workload at present. The Registrar will confirm to Members once this Waiver is confirmed. **[Post-script This was forthcoming on the evening of 22 April 2020 a communication will follow]**

9.2 The new process of seeking Advocate approval of changes to the Register for 10 working days after completion of Land Registry work will continue but for the foreseeable future the period will be 30 calendar days and few changes will be actioned by acquiescence only. This is in recognition that many files of this type remain in office and have not be taken offsite by Members for remote working.

10. Future agenda items and any other business.

The Land Registrar had received two requests for clarification:

1. **Can CLARE plans stored on files be used for new applications on the new system?**

Yes.

2. **Where a transfer requires more than 1 Form 2 how should the consideration of secondary plots be accounted for when all the titles transferred for part of one transaction?**

As per previous discussions about the CR1 process under the new fee regime, the Registry recognises "related transactions" should not attract separate fees (either for valuation or for Land Registry fees). In such cases the Consideration panel should record something like "*In Consideration of monies paid in a transfer of title xx-xxxxx on today's date*"

11. **Date and time of next meeting (provisional) 24 June 2020 at 11am.**

Meeting concluded at 12 noon.

Signed: Nick Arculus, Land Registrar
1 July 2020