



## Land Registry User Group

### Minutes of Meeting

**Date :** Wednesday 1 July 2020  
**Time :** 11.00 am  
**Venue :** Ceremonies Room, Registries Building

**Present:** Nicholas Arculus, Land Registrar, (Chairman)  
Stephen Castle, Corlett Bolton (SC) Shona Quayle, Long & Humphrey (SQ)  
Ruth Ledger, Pringle Law (RL) Edward Clague, Acting Registrar General  
Carol Young, M&P (CY) (AgRG)  
Lynn McCoubrey, Callin Wild (LM) Graham Kirkpatrick, Dandara Group (GK)  
Ray Marley, Callin Wild (RM) Alex Poole-Wilson, Cains, (APW)  
Jeff Jepson, Appleby (JJ)  
Irimi Newby, Simcocks (IN) Martin French, Land Registry (MF)

### Apologies:

Juan Moore, IOMLS  
Tracy McQuillan, AGC  
Michael Crowe, IOM Finance Agency  
James Kennaugh, Mann Benham  
Jeanette Caster, Mann Benham  
Nigel Lewney, Registries Manager (NL)

### 1. Welcome, introduction and apologies.

The Chairman welcomed users to the third meeting of LRUG for 2020 and commented how nice it was that we were able to resume physically present meetings.

### 2. The minutes of the meeting of 22 April 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.

#### 2) Update on Treasury Waiver relating to extension fees. Addressed in Item 10.

### 4. Land Registry Update:

#### (a) Workflow statistics

Martin French provided a brief update of our figures:

Applications in Month	2020	2019	2018
March	312	341	310
April	99	233	247
May	146	345 (excluding bulk bank applications)	266
June	205	245	277

Current open applications stop at 958 of which 87 were with Advocates for approval.

Lockdown was bitter sweet in that the team were fortunate the new system was available which allowed work to be done remotely. However as the go-live date coincided with the staff departing the office staff had not been fully trained in the use of the new system and therefore unable to maximise the opportunity that presented itself. The lack of familiarity is the reason a few issues were experienced of receiving incorrect draft office copies. That said, staff did a fantastic job in moving applications along while continuing to provide a full service to all users.

Future statistics and reports will be published on our website. However, due to Covid related work GTS have not been able to configure the reports yet and we have not been able to produce reports in the established format. We are not in a position to provide an update for when these reports will be made available.

Since returning to the office, all staff are receiving more intensive and focussed training and we are sure this will benefit everyone over the next few months as we aim to reduce the age profile and number of applications greatly.

(b) Workload

See above

(c) User feedback [dealt with in Item 5]

Members acknowledged the work performed by Officers under difficult circumstance. The Land Registrar was asked to relay particular appreciation to Joe Cowin and John Babb who had continued to work in the office throughout the proclamation period.

and

(d) Property market update from Members

Members reported anecdotally a lively and continuing property market in certain sectors but thought it was still too early to consider how the market would recover fully.

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

the Register using Title Locator. Searching the register by name. (See **Title Locator User Guide**). Gaps in service provision.

The Land Registrar reported that: Throughout the 102 day emergency the Land Registry has been able to maintain all its services to its users. With the exception of Registrar's and Land Commissioner's hearings which have been suspended. Arrangements are now being made by both tribunals for work to recommence.

### **Deed searches**

**Pre 1911 deeds.** Index data has been made available and the Museum has been providing Deeds to advocates on request. From 4 July the Museum is re-opening. Members were asked if they want us to keep the pre-1911 indices available in their current format. Members confirmed they did.

**Deed Registry deeds.** These have been available online or if not scanned through a scan on demand service. Members confirmed this was very welcome and they were pleased it was continuing.

**Deed Searching:** Our officers have provided assistance by searching the Grantor and Grantee indices. **Has this addressed demand?** Members confirmed this was appreciated but not a full replacement of access to the Grantor/Grantee indices.

**Land Registry:** Our officers have been accepting applications and providing search outputs throughout the proclamation period.

The Land Registrar stated that we are the only Registry in the British Isles to have provided a full suite of services throughout the pandemic.

**Expedited applications:** We have endeavoured to expedite applications on request where this was possible. Members were asked. **Have members been satisfied with our responsiveness?** Generally Members were appreciative of the services we had been able to provide.

### **Complaints**

We have received 2 complaints via Members of the House of Keys about the Land Registry closure negatively affecting their constituents. We have been able to respond in a positive manner to these complaints that despite the various delivery restrictions imposed on us we have provided unbroken services and endeavoured to be responsive to demand.

### **Title Locator**

From 2 June our Title Locator product has been available on the Land Registry website. It was developed to facilitate title searching to enable applicants to obtain title reference numbers for purchasing office copies rather than having our staff perform these searches. It also enables applications to be seen so that applications can be made to view these if parties are interested in obtaining further information in Form 33(b). Members were asked

if they had found this product useful. Members were very positive about the Titlelocator.

## **Searching by name. (Slide 1)**

### **Searching the register by name.**

The index of names remains available for inspection in the Registry as it always has been under rule 110 in Form 33(b) and with the appropriate fee. It is not on the Title locator or the Public Counter Index Map.

In addition, personal searches may still be performed free under supervision of an officer of the Registry at the counter in accordance with rule 107. This is not a chargeable service and provides no formal outputs.

The Registrar displayed rule 107 on the screen and this was discussed.

#### **107. Personal search**

(1) During the hours that the Registry is open to the public any person may search, without fee, the register, the index of names or the registry map to ascertain whether or not —

- (a) the title to any particular land is registered, or
- (b) an application for registration is pending.

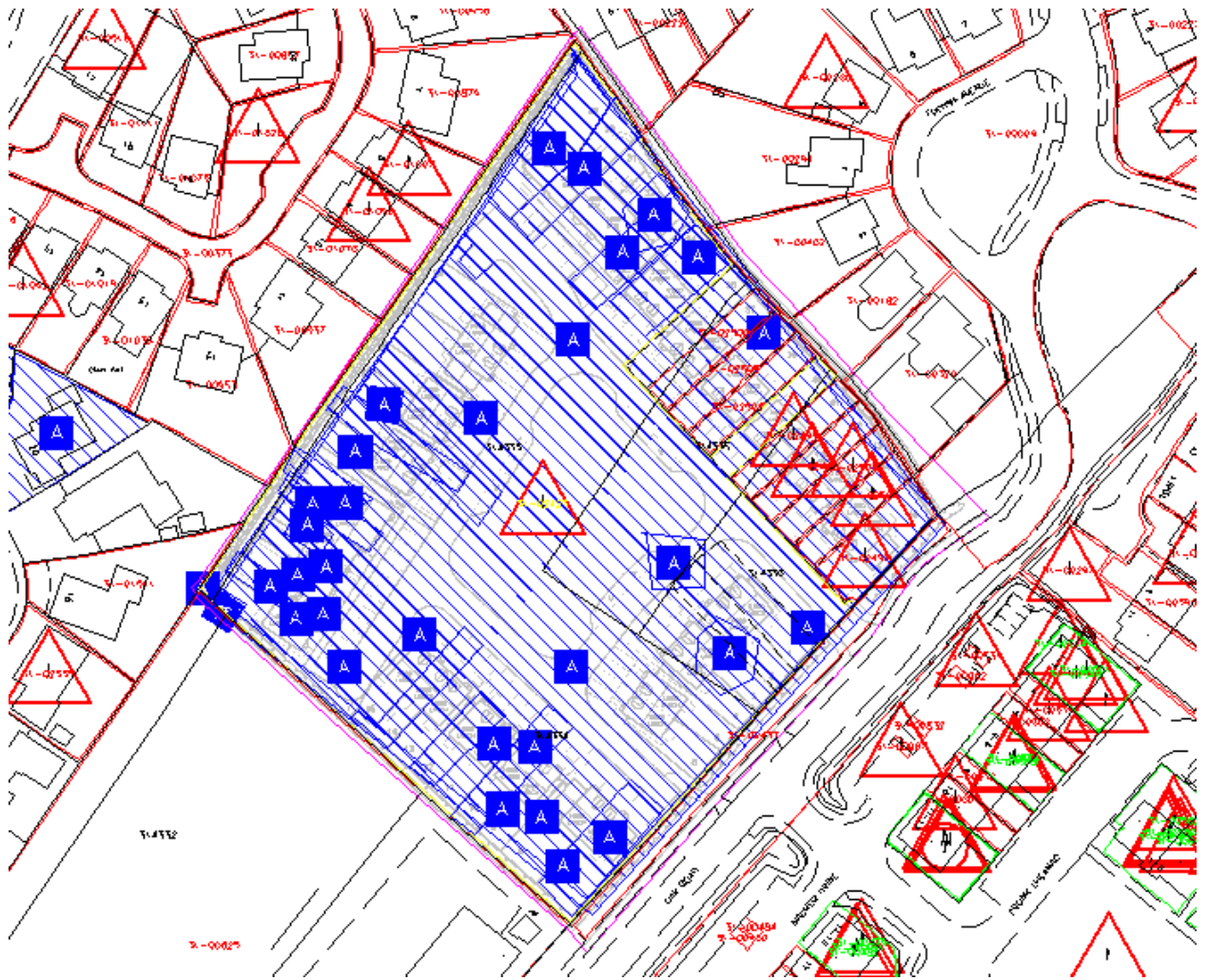
(2) Every search shall be made under the supervision of an officer of the Registry.

Members enquired if there was an intention to provide this service online going forward. The Land Registrar reported that the legislation did not provide a platform for doing this as the Registry was a register of information about land rather than being a registry about individuals. Accordingly, the view had been taken that the new GDPR regime did not support expanding this service via Online Services

6. Land Registry Systems updates. Title Locator and discussions relating to symbology on the new system. Meeting of 11 June 2020 between the Registrar and the Law Society Property Committee. Specific issues to explore:
  - i) Application mapping.
  - ii) Island polygons symbology. A CLARE comparison.
  - iii) Office Copy ordering issues. Descriptions of multi-parcel titles and the ordering of Appurtenances and Burdens.

The Land Registrar addressed the issue of poor accuracy in presentation of applications. Eg 31-02423. The land Registrar assured members these issues were are a transitional problem which will work out of the system shortly and resulted from migration issues and new mapping practices. Under CLARE the index map showed a simple “A” symbol. See below.

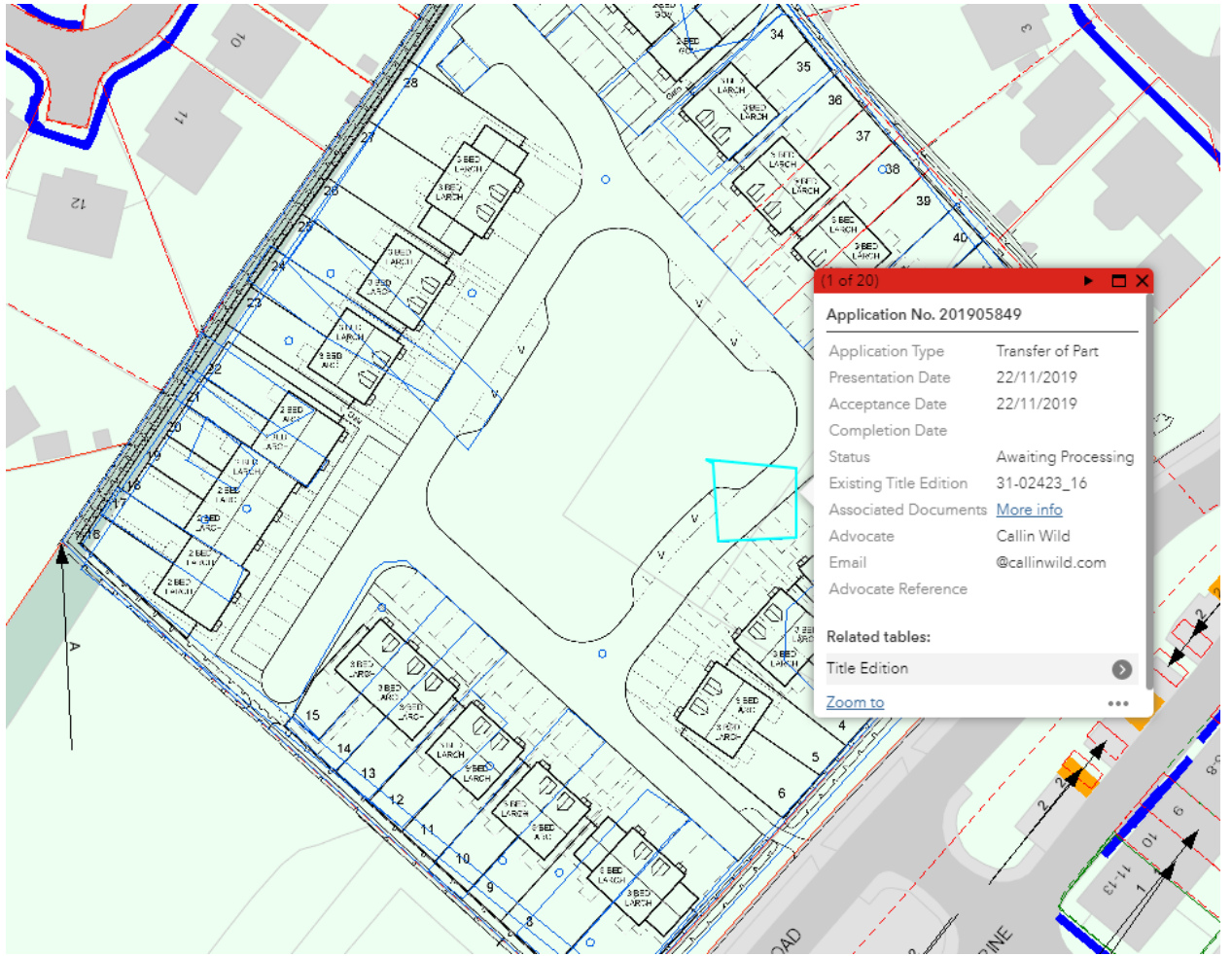
Figure 1 31-02423 (Clare)



This shows the range of symbology. “A” was a point application, or it could be a mapped application. And larger mapped applications appeared hatched blue. Blue hatching was uniform and it is difficult to see where it begins and end. Our practice until 2019 was not to map applications but merely to mark them with “A”. In the transition the Land Registrar acknowledged that there had been some lack of discipline in mapping applications largely because it was not something that our users saw in detail.

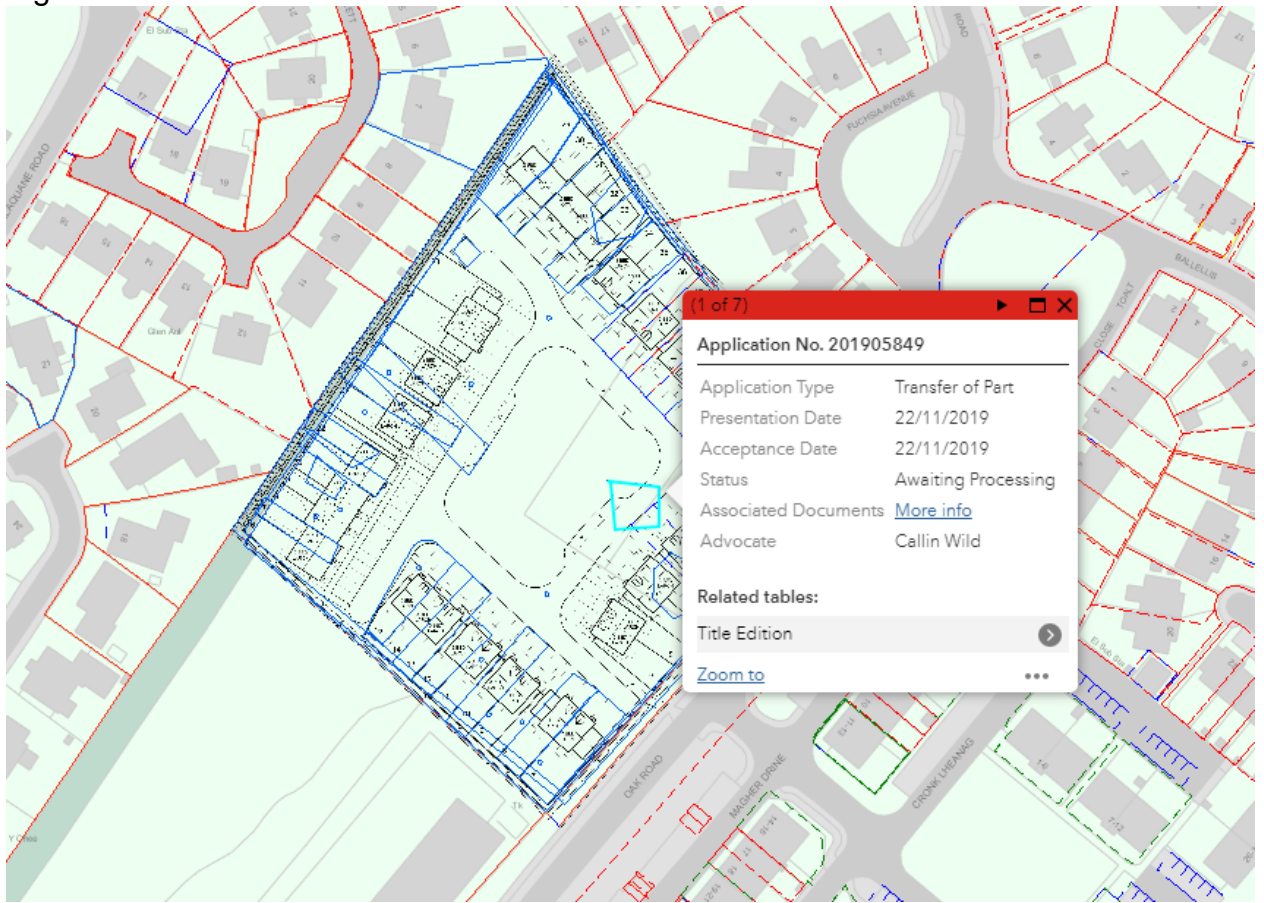
The new system allows greater mapping tools to be used at presentation and will allow more accurate searching of the register for application extents. Of course, at the point of application the Land Registry have not examined the application in detail and the application extent is in this sense unofficial. In the full online system build it will be possible for application forms to be viewed for free from the equivalent of the Title Locator. The images below show how this appears on the Index Map:

Figure 2



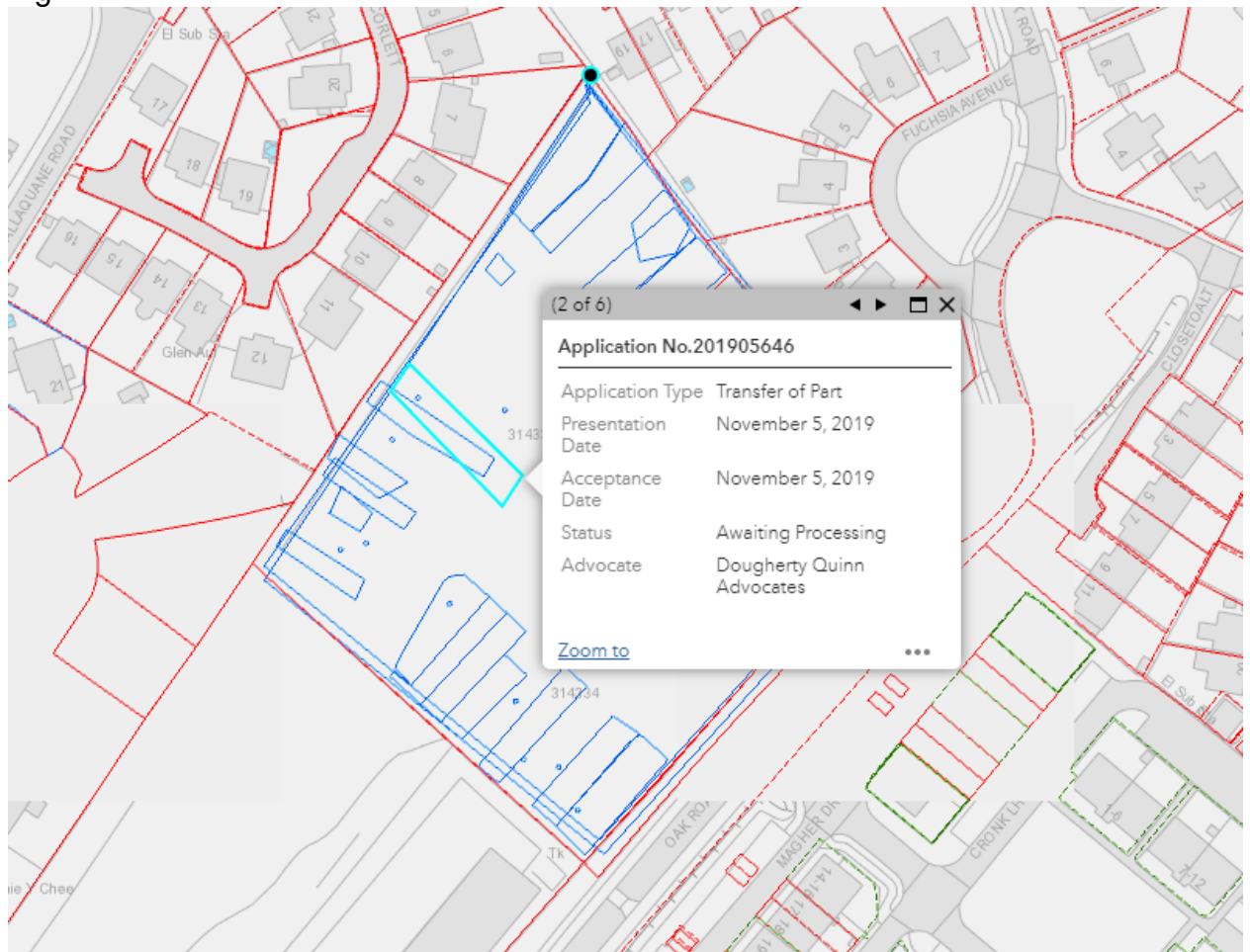


On the Public Counter Index Map  
Figure 3



And on TitleLocator (no development plans)

Fig 4



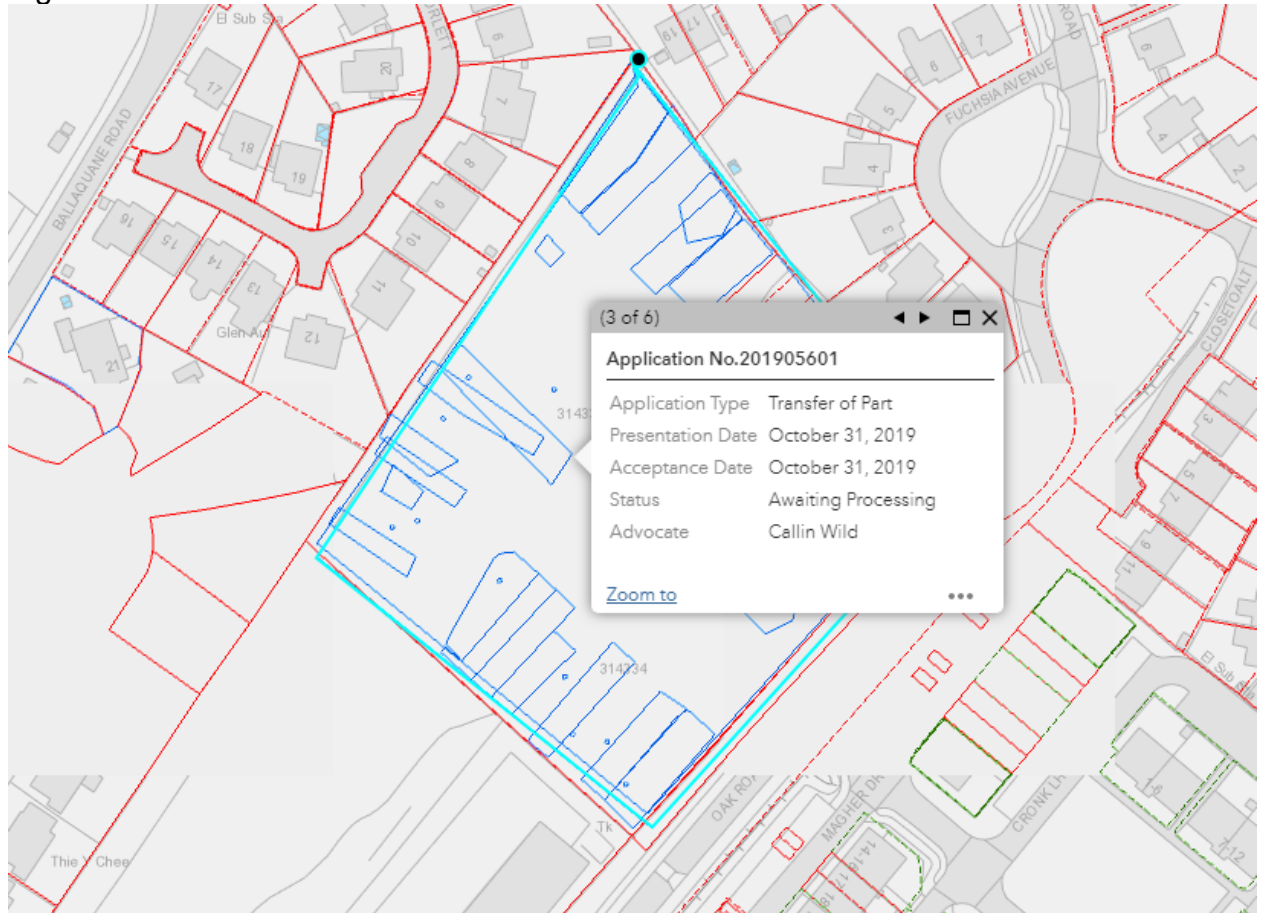
You will see that the extent of the selected application highlights as you scroll through the applications in the attributes box.

GK circulated a slide of this exact image from the Titlelocator. The land Registrar acknowledged that GK's particular business had been the type of property most inconvenienced by the temporary inability to process estate applications to the standard we would like to owing to the absence of Development plans on official copies an issue that we had hoped to be able address far more quickly but for the novus actus interveniens of C-19.

The Registrar stressed that the TitleLocator had been brought forward ahead of schedule and in a format that though not perfect which was deliverable during lockdown. The new practices were in any event superior to what members had experiecned of in CLARE –but members may not have been aware of the various inadequacies of the previous system of mapping application as point on CLARE. Members acknowledged progress and the determination of the Land Registrar for this process to be improved significantly as familiarity with the system improved.



Figure 5



It is recognised that the current standard of the application extents lacks rigour and this will be addressed going forward. By way of an explanation of this specific area, we have not been able to progress these as we wanted on account of small system build error which prevented us from uploading Development plans into the ESRI system. A solution was in place but could not be implemented during the COVID crisis because of the Government wide GTS freeze on non essential system upgrades. This has now been addressed and these problems will soon be overcome.

In the meantime the greater visibility provided by Titlelocator externalises what was previously on CLARE but with improvement of clarity. Members should be aware that this does represent an improvement not a backward step and but for intervening events this is unlikely to have come to their attention. On the other hand, without the proclamation of emergency it is unlikely that the Title Locator product would have come forward on the schedule it has done.

ii) Island Polygon Symbology (Issue affecting 121 titles)

We have received various comments relating to Island polygons.

These occur when, as with title 12-00288 there is a parcel of land within a parcel of registered land which does not form part of that title. The convention

in the Clare system was for us to refer to describe these land parcels are follows:

The image is a screenshot of a land registry document. At the top, there is a faint watermark of a coat of arms. The document is titled "PART 1: Description of Land & Appurtenances". Below this, there are three main sections: "Title Address", "Parcel(s) of Land", and "Land Parcel 1".

**Title Address**  
Ballacorey Farm  
Ballacorey Road  
Andreas  
IM7 4EL  
Isle of Man

**Parcel(s) of Land** → There is 1 parcel of land registered in this edition of title.

**Land Parcel 1**  
Registered on 14 June 2007  
by application no 200602033  
Last amended on 19 March 2014  
by application no 201400605

The description for Land Parcel 1 states: "The land shown edged red but excluding the land coloured green on the Filed Plan being part of the estates lands and premises known as Ballacorey, Ballaghaue and Grenaby".

And the symbology was as below (Note the whole of the title boundary is not visible here:

Figure 6



This symbology remains in place until a new edition of title is issued on the ESRI system.

On a new edition of title being issued this symbology is updated but the wording is not automatically updated. To illustrate this: Title 31-01636 contains the descriptions:

<b>Title Address</b>	Reayrt ny Cronk Estate Ballawattleworth Peel Isle of Man
<b>Parcel(s) of Land</b>	<u>There are 2 parcels of land registered in this edition of title.</u>
<b>Land Parcel 1</b> Registered on 23 January 2011 by application no 201002620 Last amended on 11 September 2017 by application no 201702532	The land shown edged red and numbered 1 on the filed plan being the development known as Reayrt ny Cronk situate at Ballawattleworth abutting to the south of Poortown Road Peel
<b>Map Grid Reference</b>	EASTING: 225352      NORTHING: 483670
<b>Boundary Descriptions</b>	Label 1 Land Parcel 1
<b>Land Parcel 2</b> Registered on 17 November 2014 by application no 201300955 Last amended on 11 September 2017 by application no 201702532	The land shown edged red and numbered 2 on the filed plan [excluding those portions coloured green] being the development known as Reayrt ny Cronk situate at Ballawattleworth abutting to the south of Poortown Road Peel

Fig 7 Edition 44

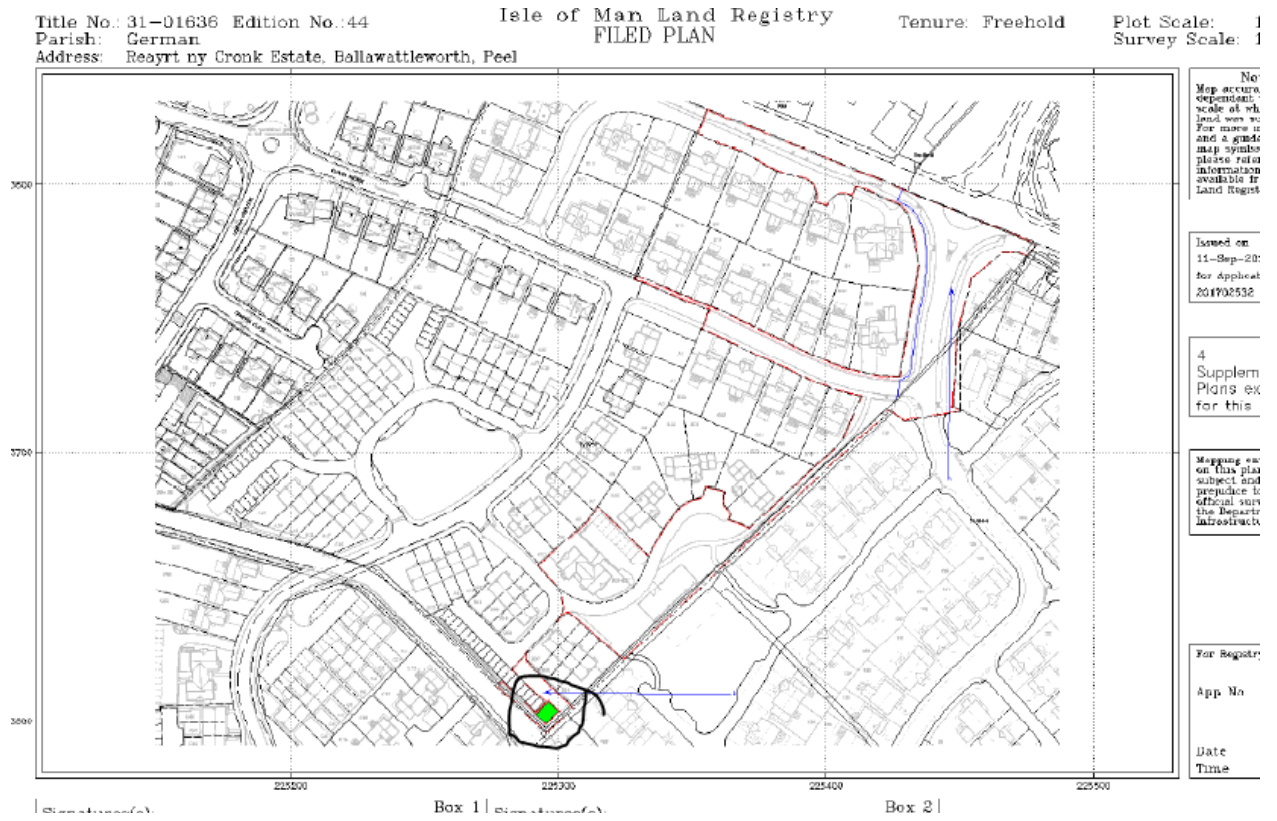
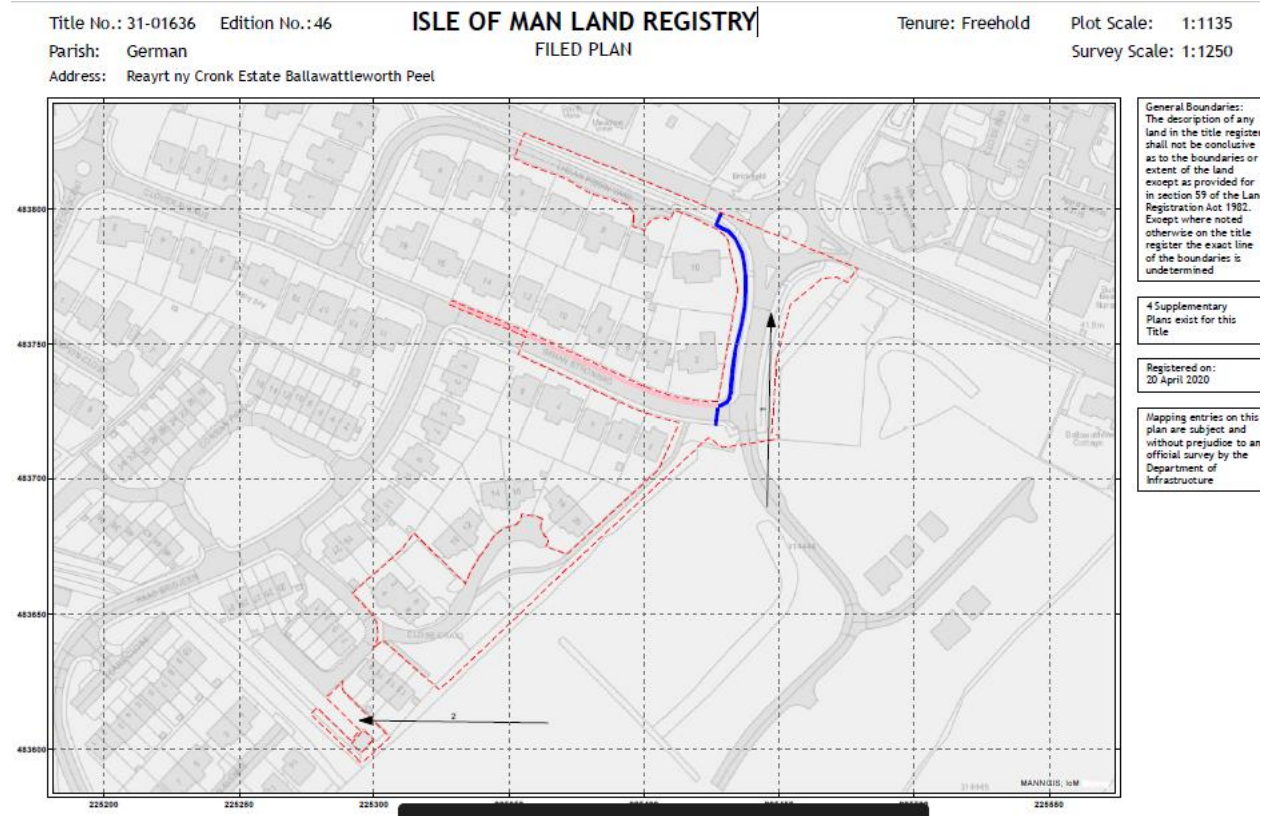


Fig 8 Edition 46



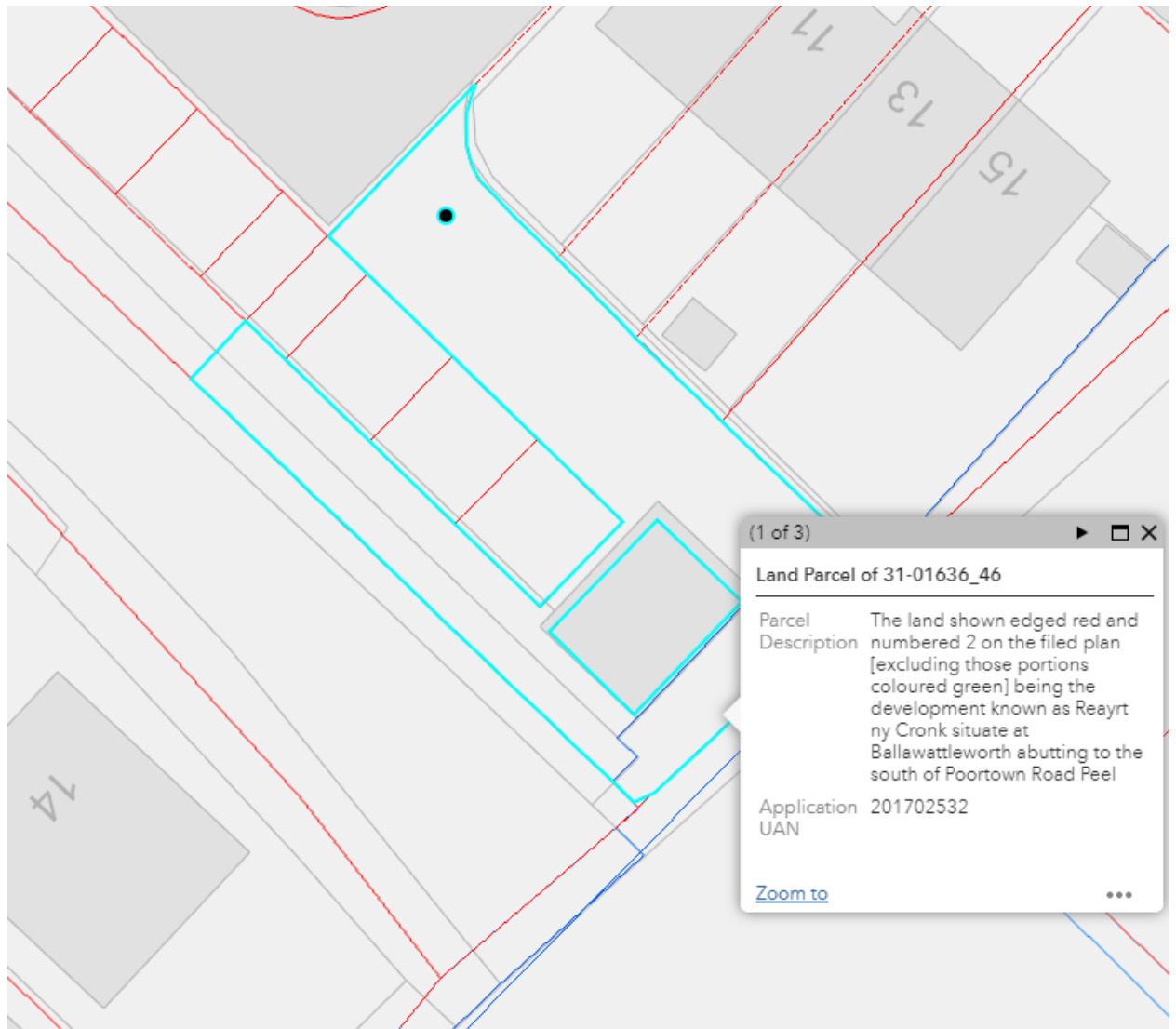


Members have expressed disquiet about the change in symbology.

Firstly, the description of this title and other affected will be changed going forward so that the “excluding the land coloured green” wording is removed. Legally however the description is not incorrect. Where no land is coloured green then no land is excluded from the land edged red. ESRI symbology allows the internal boundary to be edged red.

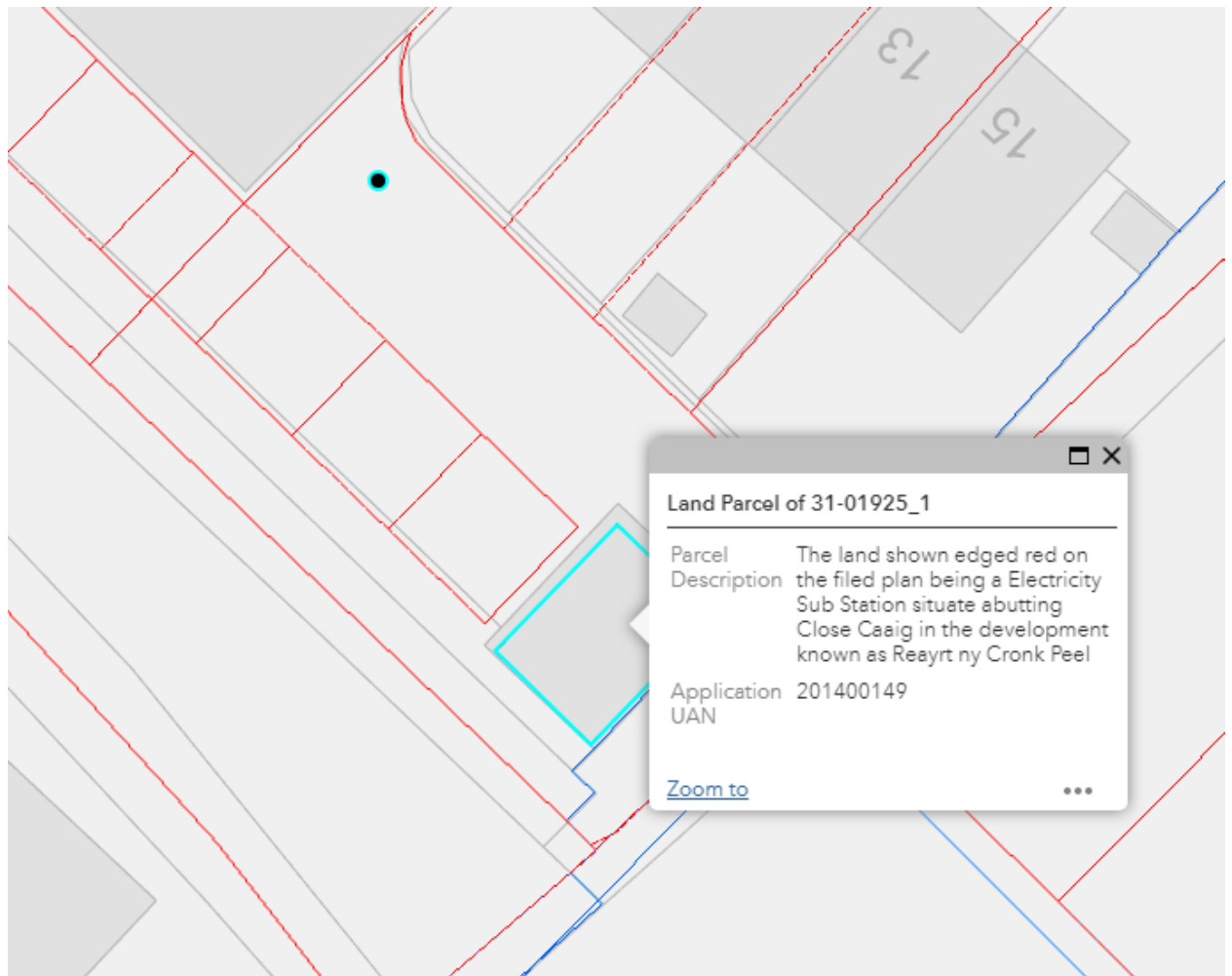
If this is not clear for users then the Title locate tool bring greater clarity. See figure 9 and 10 below;

Fig 9



Note, this is the Index Map on Title locator with the Land Parcel boundary (both internal and external selected and thus highlighted in blue).

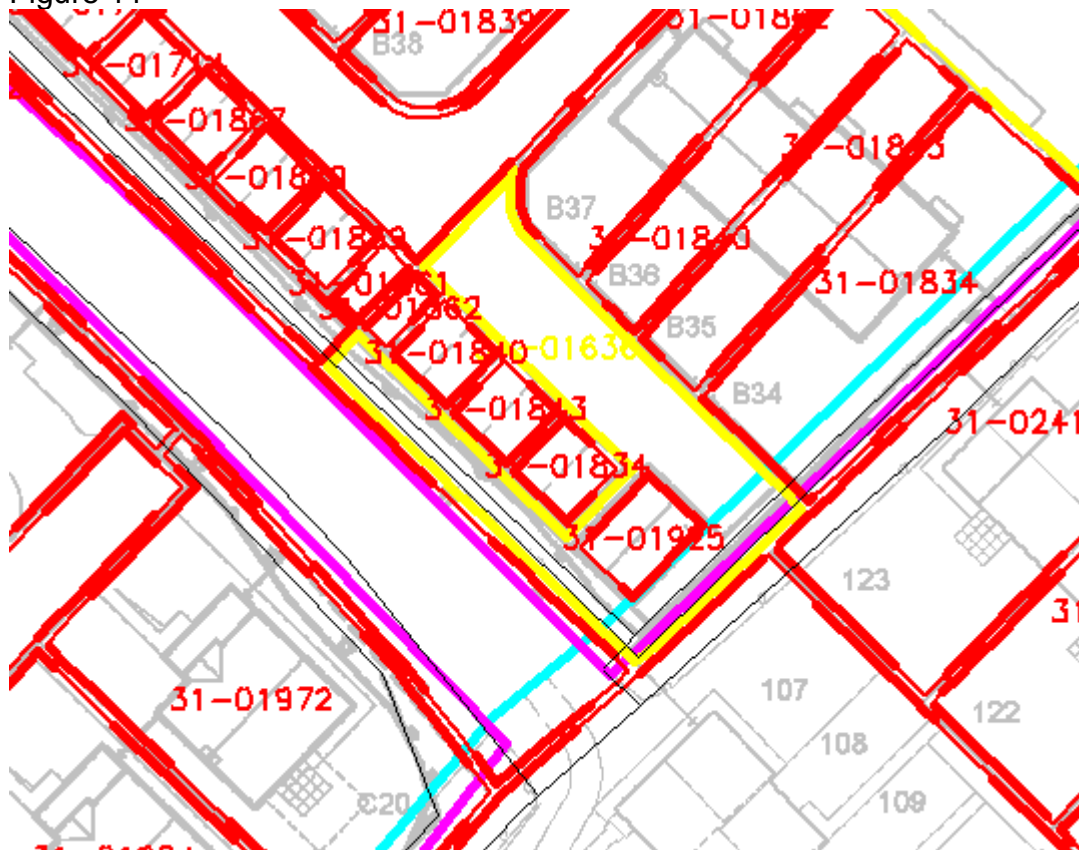
Figure 10. This island polygon itself. In this case it is registered as the Title locator shows.



This symbology is preferable to the Clare symbology which appeared as below in Figure 11. You will see that the Green colouring does not appear on the Index Map at all.



Figure 11

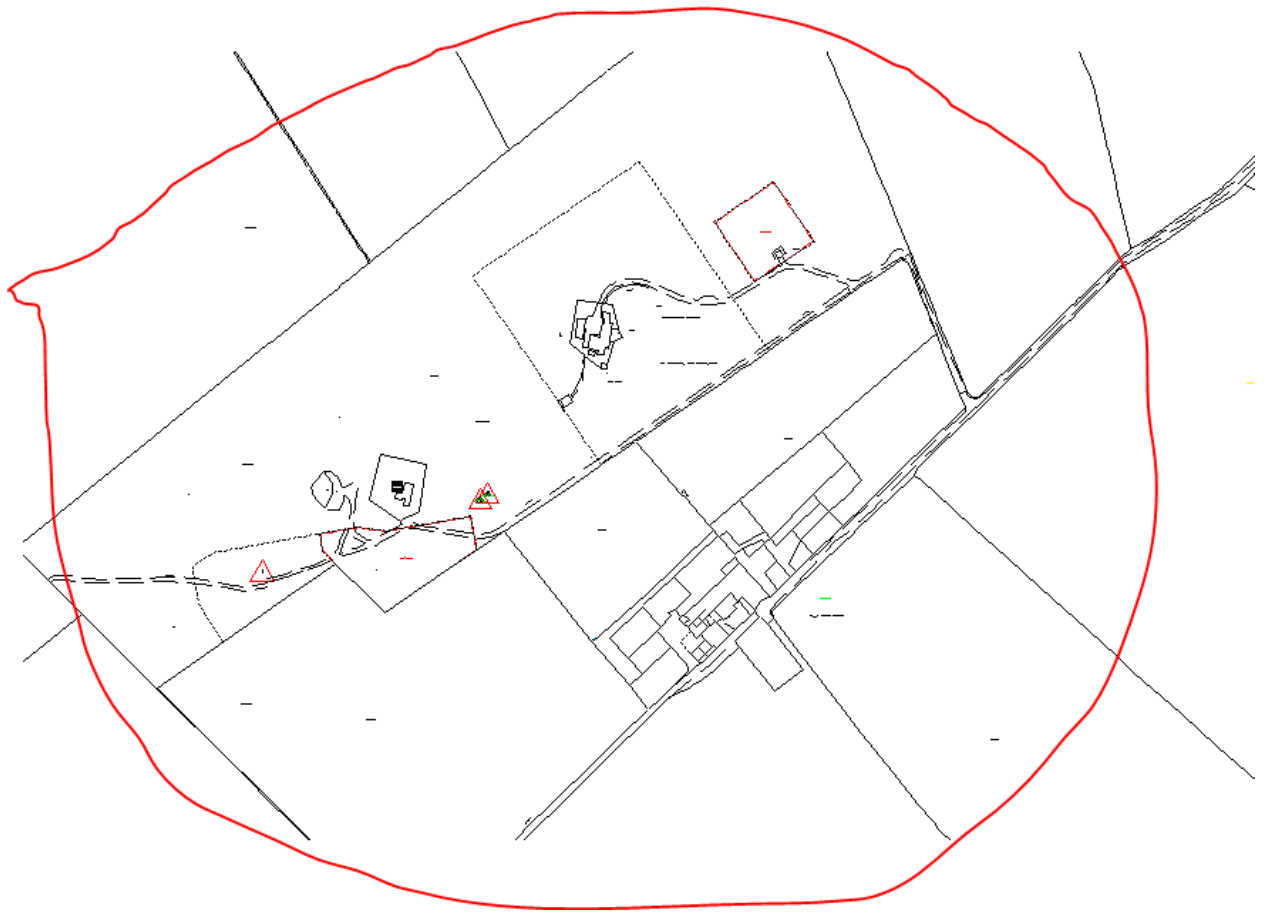


This is saved in this case by the fact that the “Island Polygon” is registered with its own title.

However, when the “Island Polygon” is unregistered nothing would appear on the Index Map –or an Official Search of the Index Map previously produced. This was an error.

By way of example Fig 12 shows the Clare index map for title 52-01234. The scale makes this difficult so it is an extract only.

Fig 12. With simulated external boundary.

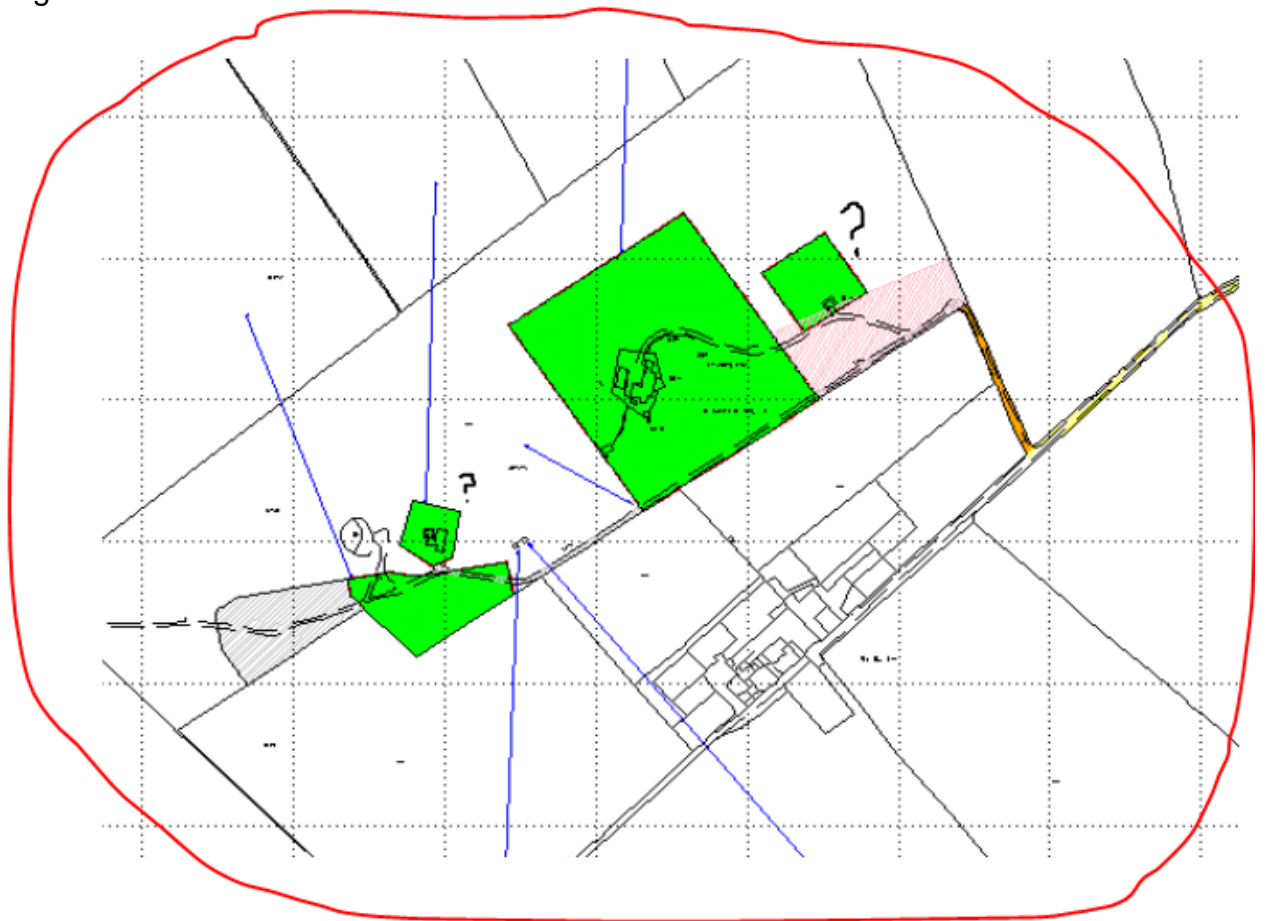


This appears to show a Camane Estate with a stylised external boundary with two internal parcels of land which are excluded from the title and separately registered.

To demonstrate this the office copy description confirms:

<p>¶ <b><u>PART 1: Description of Land &amp; Appurtenances</u></b></p>	
<p>¶ <b>Title Address</b> □</p>	<p>Camane Estate ← □                  Old Castletown Road ← □                  Douglas ← □                  Isle of Man □</p>
<p>¶ <b>Parcel(s) of Land</b> → □</p>	<p><b><u>There are 2 parcels of land registered in this edition of title.</u></b> □</p>
<p>¶ <b>Land Parcel 1</b> ¶                  Registered on 13 November 2017 ← □                  by application no 201600767 ← □                  Last amended on 13 August 2019 ← □                  by application no 201904665 ← □</p>	<p>The land edged red on the Filed Plan being part of the Camane Estate (including Wallberry Farm Nunnery Howe Farm and Upper Howe Farm) Old Castletown Road Douglas Braddan but excluding those parts of the land shown coloured light green on the Filed Plan □</p>

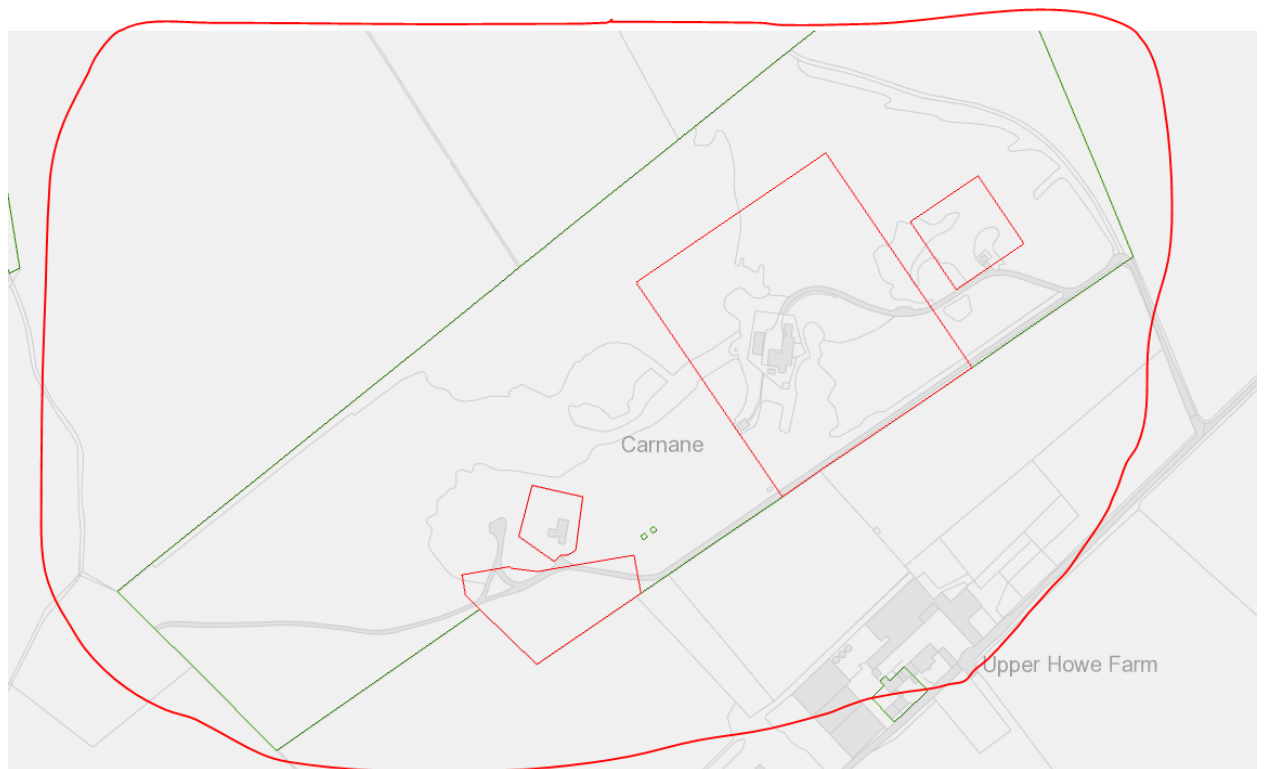
However, the Clare filed plan appears as follows:  
Fig 13



Looking back to Figure 12 you will see that the index map provided no clarity as to the exclusion of the two parcels marked (by me) with a question mark from the extent of title 52-01234.

On the new system Title Locator shows the following:

Fig 14




Again, forgive the simulated exterior red boundary. This version of the index map clearly shows the internal boundaries of both the unregistered “island polygons” and the “island polygons” registered with their own title number. It also shows with the green edging an internal boundary of leasehold title 52-00138.

Chris Bramhall has asked me to make the point that the unregistered island polygons are therefore islands within islands. The Clare symbology simply couldn't show this. He refers me to the Earth Observatory website.

Fig 15.

## Island in a Lake on an Island in a Lake on an Island



An unnamed isle in Canada's Nunavut Territory is the leading contender for this island superlative.

Image of the Day for February 22, 2015

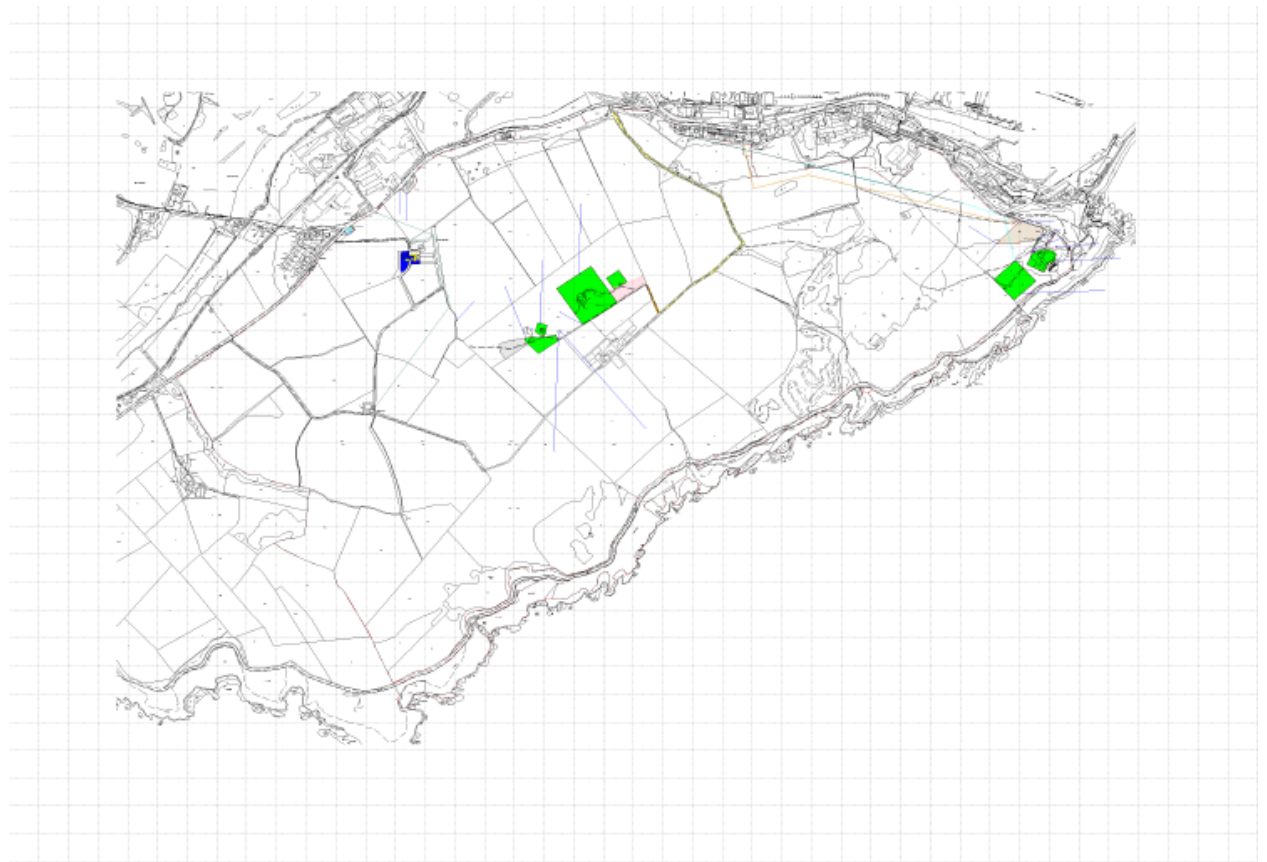
**Instrument:**  
Landsat 8 — OLI

[Image of the Day](#) [Land](#)

[View more Images of the Day](#)

The Land Registrar commented that the land Registry system is a very complex system that we endeavour to make look easy to use. Mapping exclusion was a recognised complexity.

Fig 16 – Whole Carnane title.



## Conclusion

The Land Registrar tried to demonstrate that the issue is not as problematic as Member may feel it is and in the majority of cases this will be addressed as there is a dealing with the title (usually a transfer out). The problem arises where there is a dealing that does not require any changes to be made to the title description eg a release of whole in Form 15.

A possible solution would be to effect internal rectifications to all 121 titles immediately. However, given the issue to be discussed at (iii)(B) below and possible contractual complication this may cause I have refrained from taking this step until talking to LRUG members and am not inclined towards this path in any event.

GK circulated an example of a complex type of property transfer and cautioned that the new symbology simply wasn't capable of describing this accurately without reference to the online system and in fact Advocates and owners wanted to be able to rely on the paper certificates issued. GK questioned if any other Land Registry in the British Isles had a red island exclusion symbology as opposed to a coloured exclusion area. The Land Registrar initially said that HMLR (England and Wales) had perhaps moved away from the green block methodology had but subsequently withdrew that comment as he could not sustain it definitely. GK assertively doubted that HMLR had departed from this practice.

Members were not satisfied that the new symbology was sufficient for their purposes.

The Land Registrar agreed to review the practice and to give further consideration as to how a better way of describing and hopefully illustrating the ownership and exclusions could be developed in response to Members' views.

The Land Registrar thanked members for their contributions to this discussion.



### **iii) Office copy issues**

We previously reported that a number of issues were being reviewed:

#### **A) Single ownership. Slide 20**

In the case of an individual owning land by himself (with no joint tenant) it is currently recorded on the register as a form of Co-ownership:

Class of Ownership:

Full

Co-ownership Type:

Sole Tenant

Co-ownership Share:

While this is not legally wrong it is not conducive to clarity.

Action: Because there is no co-ownership relationship this should not appear on the official copy. If there is no co-ownership then the “Co-ownership Type” and “Co-ownership share” should not appear on the office copy output. Our supplier is going to rebuild this. A small number of titles will appear as above until a new edition of title is issued.

#### **B) Orders of Appurtenance and Burdens [slide 21]**

Currently on the creation of a new edition of title there is a lack of logic in the order of the appurtenances and burdens in the office copy that is generated. Note **This does not affect titles until there is a dealing within the new system.**

The order of Appurtenances and Burdens is not material. However we have instructed our suppliers to effect a correction to the logic so that the entries will follow the established Clare logic as follows:

##### **Appurtenance Order**

Appurtenances should appear on the official copy output in the order they are registered.

##### **Burden Order**

Burdens should appear on the official copy output in the same order as of the classes of burden appearing in Sch6 of the Land Registry Act:

Cat 1: Charges

Cat 2: Rent-Charges

Cat 3: Power to Charge the Land

Cat 4: Trust for Securing money

Cat 5: Lien for unpaid purchase money

Cat 6: Leases

Cat 7: Judgement or Order of a Court

Cat 8: Pending Actions

Cat 9: Easement or Profit

Cat 9A: Drainage Approval Deed

- Cat 10: Covenants or conditions
- Cat 11: Tenancy by curtesy or Estate in dower
- Cat 12: Other matters

Followed by any Schedule 5 Burdens

Within Category 1 (charges): The default should be that charges appear in order of registration (not creation). Old to New. But the date of any future amendments should not alter the order.

Within categories 2 to 12 the entries recorded should show on the Official Copy in order of the **creation** of each burden. (Old to New. NB Not date of registration.)

Schedule 5 Burdens are very rarely recorded. They should appear last (after all other entries). It is unlikely there will be two but they should follow the same logic as Categories 2-12.

**Land Parcel Description.** In the case of more than one land parcel, these are labelled “Land Parcel 1, Land Parcel 2” etc. Currently on the generation of a new title edition these do not appear in consequential numerical order.

See example of title 13-01363/59

**Land Parcel 1**

Registered on 17 March 2014  
by application no 201302578  
Last amended on 22 May 2019  
by application no 201901080

[The land shown edged red and numbered 1 on the Filed Plan excluding the area coloured green being Land abutting North Shore Road and Shipyard Road Ramsey

Map Grid Reference

EASTING: 245008      NORTHING: 494777

Boundary Descriptions

Label 1  
Land Parcel 1

**Land Parcel 2**

Registered on 14 December 2016  
by application no 201502651  
Last amended on 22 May 2019  
by application no 201901080

The land shown edged red and numbered 2 on the Filed Plan being land off North Shore Road Ramsey

Map Grid Reference

EASTING: 244986      NORTHING: 494820

Boundary Descriptions

Label 2  
Land Parcel 2

**Land Parcel 3**

Registered on 22 May 2019  
by application no 201901080

The land shown edged red and numbered 3 on the Filed Plan being land abutting the rear of 8 and 9 Traie Twaie

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Going forward it is just as likely following a subsequent registration event that the Land Parcel descriptions may appear as follows:

**Land Parcel 1 - Description:**

The land shown edged red and numbered 1 on the Filed Plan excluding the area coloured green being Land abutting North Shore Road and Shipyard Road Ramsey

**Land Parcel 2 - Description:**

The land shown edged red and numbered 3 on the Filed Plan being land abutting the rear of 8 and 9 Traie Twoaie

**Land Parcel 3 - Description:**

The land shown edged red and numbered 2 on the Filed Plan being land off North Shore Road Ramsey

The Land Registrar invited discussion with Members whether it is worth an additional cost of changing the built system to ensure that the Parcel Description always aligns to numbering on the filed plan. This will require officers to build a new stage into the registration process. Would Members be satisfied with the numbering simply being dropped?

Member feedback was to express some disappointment that the supplier was not accepting that consecutive numbering would be an implied term of any contract. The Land Registrar acknowledged this adding that there was not an appetite to enter into a dispute with the suppliers over this particular aspect of project delivery.

Given the explanation and likely cost of public funds Members thought that simply dropping the numbering would be the method least likely to general confusion and/or create new processing delays within the land Registry workflows as explained to them.

7. Electronic Applications. Business as usual or adopting improvements? **PD02/2020** Electronic Applications continuing to be accepted from 25 February 2020 until revoked.

The Land Registrar confirmed that the Land Registry would continue to accept applications by email. Members were invited to explain why since the Registry re-opened our users appeared to have been reverting back to paper based applications. Members present expressed surprise that others would have reverted to paper applications. The Land Registrar confirmed that email applications would be developed further and it was the Registry's preference for this to become the default mode of application –with documents signed by the clients where necessary to follow in hard copy with the appropriate reference.

8. Applications including Appurtenance and Burdens. Electronic Appendices F and G including definitions. Members reminded of **PD02/2006** requiring definitions to be submitted within the Appendices. Do applicants require greater clarification?

Members felt they did not require any further clarification. The Land Registrar reported that the standard of content of these appendices was sometimes not up to the high standard we have become accustomed to expect.

MF stated that the main definitions that are being missed off are; (1) Scheduled Property, (2) Retained Property/Land and (3) Building Lines (which aren't identified on the submitted Boundary Map or no Supp Plan has been submitted to show the position of the building line.

9. Legislation, Practice Directives & Guides:
  - i) Emergency Powers
  - ii) Wayleaves Bill Consultation
  - iii) **Practice Directive PD01/2020** and **Practice Guide GN01/2020** Proof of Identity forms including electronic ID form for Advocate use eID1a, eID1b, eID2a and eID2b. **Advisory note Supplemental to PD01/2020.**

The Land Registrar reported that we have received a few emails about the intrusiveness of the new ID form requirements. Some have been from members saying it should have been mandatory in all cases. Some saying we have no legal right to require evidence of ID. This is disappointing because the forms were agreed both by this Group and by a sub-committee set up to provide expert industry input. The work of the sub-committee and this Group was then subject to a meeting with the Law Society Committee at which we agreed to make it not compulsory in all applications.

In terms of our legal power to require such evidence as we reasonable desire to protect the integrity of the Register from fraud this has not always existed. What we have tried to do is codify by Practice Directive issued under the Land Registration Act 1982 what our requirements will be and how these can be complied with.

Members were reminded of the electronic forms we have prepared for Advocates to use. These were prepared to reduce effort on advocates. These are on our website and comments were welcomed.

IN confirmed that the IOMLS property Committee had been consulted and were satisfied with the ID forms and the obligation on the Registrar to confirm identities and to protect the register from fraud.

10. Time period extensions. Compulsory Registration and Office Copy Approvals. Post-Emergency 26 June 2020 transitional arrangements.

Members were reminded that Form 99 fees have been waived by the Treasury Minister for delays in applications caused as a result of the Covid lockdown. The terms of this waiver are that it is only available to application received either during the Proclamation period or within 3 months of the termination of the State of Emergency. The state of emergency has now been brought to an end. Accordingly the normal fee regime will apply for applications received after Friday 25 September 2020.

11. Future agenda items and any other business.

AM [subsequent to the meeting] requested that Official Copies relating to Leases be reviewed. The land Registrar will review and add this to the agenda.

12. Date and time of next meeting 16 September 2020 at 11 am.

Signed by Nick Arculus, Land Registrar  
On the 23 September 2020