



Land Registry User Group

Minutes of Meeting

Date : Wednesday 22 September 2021
Time : 11.00 am
Venue : MS Teams and in person at the Ceremony Room, Civil Registry, Deemsters Walk, Douglas

Present: Nicholas Arculus, Land Registrar, (Chairman)

Graham Kirkpatrick, Dandara Group (GK)	Alex Mitchell, LVW Law Limited
Irini Newby, Simcocks (IN)	Shona Quayle, Long & Humphrey
Carol Young, M&P	James Lowery, Land Registrar (JL)
Nigel Lewney, Land Registry (NL)	Emily Wood, BridsonHalsall
	Edward Clague, Central Registry (EC)

Via MS Teams

Alex Poole-Wilson, Cains, (APW)	Michael Miles, Corlett Bolton
Ruth Ledger (Pringle Law) (RL)	Jeff Jepson, Appleby
Kathryn Clough, President of the IOM Law Society for item 5 only.	

Apologies:

Alexandra Dernie, Appleby	Martin Paterson, Paterson Property Law
Paul Shimmin, AGC	Tracy McQuillan, AGC
Jeanette Craster, Mann Benham	Richard Halsall, BridsonHalsall
Zita O'Kelly, Callin Wild	Ray Marley, Callin Wild
James Kennaugh, Mann Benham	Michael Crowe, Finance Isle of Man

1. Welcome, introduction and apologies.

The Chairman welcomed users to the second meeting of LRUG for 2021. Receipt of apologies was noted from those unable to attend.

2. The minutes of the meeting of 27 July 2021 were approved.

3. Matters arising from or carried forward from the meeting of 14 December 2021.

- 1) Manx Utility burdens. [On hold]
- 2) Statement of practice relating to priority searches [On hold]
- 3) Guidance on streamlining and improving App F & G submissions on the new system. [On hold]
- 4) Review of leasehold Office copies [On hold]

- 5) Green Island polygons project [On hold]
- 6) Consultation on Exempt information rules [On hold]
- 7) Consultation on Standing Committee Land Registry reforms.

The Chairman mentioned that the Tynwald report of the proceedings around this paper had now been published, adding that JL will be arranging a consultation exercise in respect of the proposals contained therein in due course.

4. Land Registry Update:

(a) Workflow statistics and (b) Workload

NL informed the group that plans to publicise Land Registry statistics has not moved forward as quickly as he would have liked, adding that the initiative has effectively stalled for the time being. NL said with this in mind statistics will be produced for, and provided at, future meetings.

In terms of statistics, NL reported that as expected the number of applications coming into the Registry remained high with the average monthly figure for 2021 being 305. However, NL said that the team are doing an excellent job in not only reducing the total number of applications in the Registry but also reducing the age profile of applications.

By way of indication, NL mentioned the following comparisons:

- on 27 July, the Land Registry had just over 500 applications, 62 of those were with Advocates for approval of the draft office copy
- at close of business on the 17 September, the total number of applications had been reduced to 425 of which;
 - 58 were pending responses to defect notices
 - 107 were with advocates for approval of the draft office copy
 - 260 were in the control of the Registry.

Of the 425 applications, 22 were pre-2021 applications (1 from 2016, 2 from 2017, 6 from 2019 and 13 from 2020).

NL asked members if they were experiencing any issues with turn-around times, or if they had any feedback on the Registry's performance. No issues were raised in response, members appearing to be happy with the way in which applications were currently being progressed and the progress being made generally.

NL said that he thought it would be interesting to share some figures to show the take up of the online offerings now provided by the Registry, especially since the vast majority of deeds and official copies are now purchased online.

To give a flavour, in August 2021:

- 76 deeds had been purchased at the counter compared against 1,178 online
- 19 office copies had been purchased at the counter v 298 online

In terms of the TitleLocator, there had been 13,210 views during the period from 2 July to 20 September 2021 inc. This equated to an average of just over 163 views a day.

Members were in agreement that the online offerings are very good and really helpful.

(c) User feedback

No performance issues were raised.

The Chairman sought the views of members in terms of counter opening hours now that all services are accessible online, asking in particular if there was anything else the profession required the Registry to provide online to enable users to work remotely. The Chairman stressed there was no immediate plans to reduce counter opening hours but said clearly this should be under consideration now that services are accessible remotely; servicing a counter all day obviously takes resources that could be better deployed elsewhere for everyone's benefit.

Members were in agreement that the online services provided by the Registry are very good, agreeing that all services can now be easily accessed remotely. Members did however say they still visit the Registries Building to view the High Court Indices that are on the pcs in the public area and asked if these can be made available online. The Chairman informed members the Courts are the data owners and are responsible for providing the information and therefore it was outside of the Registries control as to whether or not these can be made available online - EC agreed to raise the matter with the Chief Registrar.

(d) Property market update from Members

Members were unanimous in saying that there were no signs of the market slowing down. The general view was that all price bands are moving quickly, reference being made to gazumping occurring in the lower price bands.

5. Discussion of how Locate, Isle of Man can work with the profession and/or IOMLS to collect or collate market insight relating to inward migration to the Island.

Andrew Stewart (AS), Head of Policy Development and Strategy Planning in the Department for Enterprise and Alison Teare (AT), Locate Marketing Manager in the Department for Enterprise had requested to attend the meeting for this item.

Kathryn Clough, President of the IOM Law Society, also joined the meeting via MS Teams for this item.

AS and AT informed the group there is an ongoing and growing appetite within both the Department for Enterprise and across the wider Government to have further data on property related transactions, mainly who is buying property (for example, landlords or owner-occupiers) and where the buyers are coming from (on-Island or off-Island, and if the latter from where in the world). AS & AT explained that the information is needed in order to guide policy, and to ensure marketing campaigns are targeted at the correct areas to try and gain maximum return on any expenditure which is ultimately for the good of everyone on the Island. AS & AT asked members how they felt they could obtain the information, in particular if members felt they could provide the information as part of an application to the Land Registry.

IN (Chairperson of the Property Committee) and GK (General Counsel at Dandara and a leading member of the Property Committee) expressed opinion that even if the profession were willing to coordinate a response [which from the views expressed in the meeting seemed not to reflect the consensus view] and all GDPR concerns were overcome (which in all members view is an extremely big ask) then conveyancing lawyers would still not be in a position to provide meaningful data as the instances where people buy immediately upon moving to the Island is rare. From their experiences, it is much more likely that someone relocating to the Island will decide to rent in the first instance before choosing to buy.

In addition, IN explained that such a move would have obstacles such as obtaining consent from client(s) and the obvious questions that would flow from that such as what data would be collected, how it would be reported, how it would be used and for what purposes etc.

IN suggested information could be sought from Estate Agents on the Island. GK added that work permits could fill some of the lacuna of information about where people have located from.

In terms of policy and obtaining the information sought, compulsory new resident information forms were mentioned as something the Government may wish to consider including setting out past addresses and could be made obligatory for GDPR purposes.

Members were unequivocal in saying that policy discussions around how assistance can be given to first time buyers etc. requires much better (and certainly more complete) data.

It was recognised and agreed by AS & AT that trying to form any policy based on information provided to the Land Registry was unsafe as it was not a complete data set.

6. Lease plans - issues raised by the profession and perceptions in changing Land Registry requirements.

APW had raised a question in advance of the meeting about the Land Registry's requirements for mapping on the first registration of apartments.

The Chairman informed members that Land Registry practice has been to use the Lease Plan if the plan submitted to the Land Registry does not enable the Land Registry to register leasehold titles with sufficient clarity in terms of identifying the location of the leasehold demise.

The Chairman stated that lease plans are often in themselves of very little assistance in identifying land, reminding members this ultimately boils down to professional practice. However, where a lease plan is inadequate the Chairman confirmed the Land Registry will request a survey plan compliant with rule 17 of the Land Registry Rules.

The LRR Rule 17 specifies that:

(5) A copy or abstract of a document accompanying the application shall, where the document is registered in the deeds registry, include particulars of the date, description and parties and the date and number of registration.

(6) Where the map provided under paragraph (1)(a) —

(a) does not sufficiently identify the land the subject of the application, or

(b) does not indicate the extent of other land affected by rights or interests appurtenant to the land, or of land subject of the application which is affected by rights or interests appurtenant to other land,

the application shall be accompanied by such further particulars as are necessary to identify the land the subject of the application or the land referred to in sub-paragraph (b), as the case may be.

(7) In particular, where —

(a) the land the subject of the application consists of or includes a flat or floor, or part of a flat or floor, of a house or building, or a cellar or tunnel, or an underground space apart from the surface, or

(b) any of the boundaries of the land is in a plane other than the vertical,

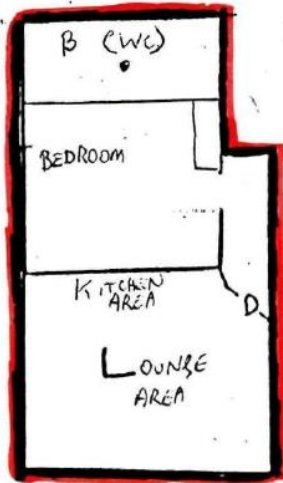
an extract from a survey map shall be furnished showing the surface under or over which the land lies, together with such other elevations, sections, plans and other descriptions (if any) as the Registrar considers necessary.

(8) In a case where paragraph (7) applies, any reference in these Rules to a map or plan (other than a survey map) includes a reference to an elevation, section or plan mentioned in that paragraph.

The Chairman talked through the following examples:

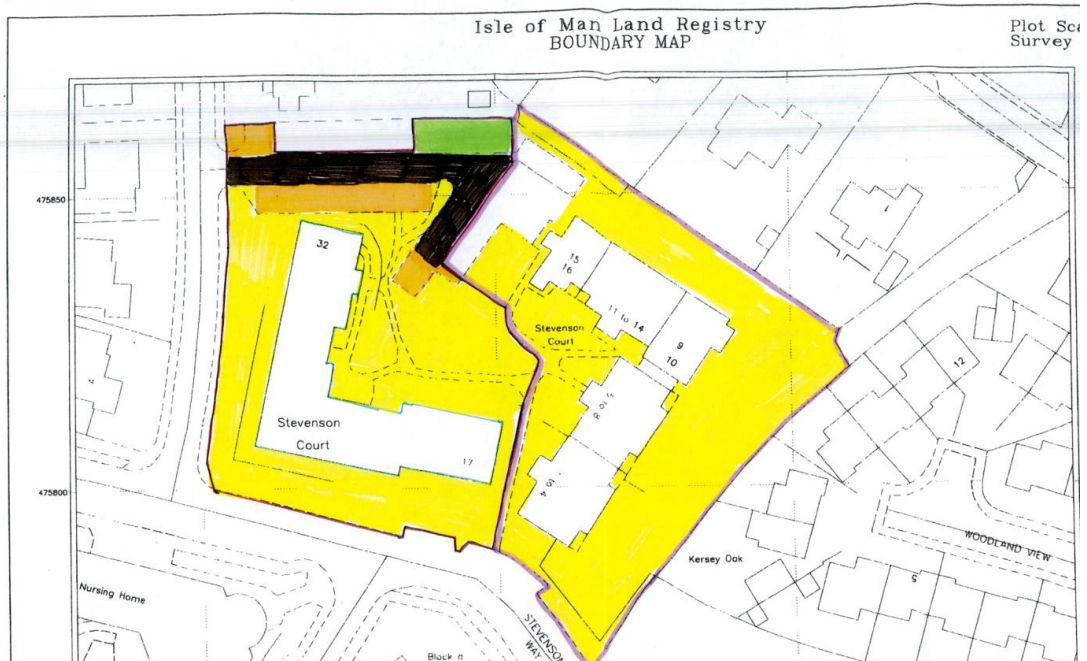
East Flat.

FLAT 14 ~~FLAT 14~~



This is from a lease plan registered in the Deed Registry.

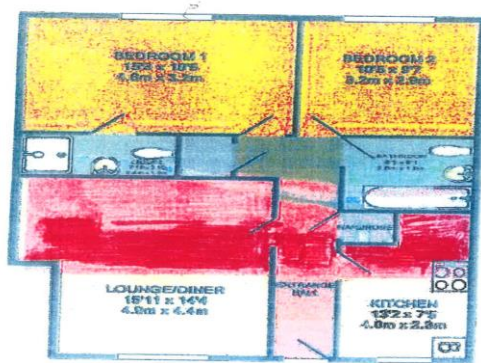
Example 2



This is a lease plan 1 for a demise described as follows:

“All that [xxx] floor flat (forming part of the Development) being represented for the purposes of identification only on Plan No 2 by the area thereon delineated and edged Red and known as Flat [Number]” There is no plan 2.

Elsewhere on the same estate a Plan 2 might look like this:

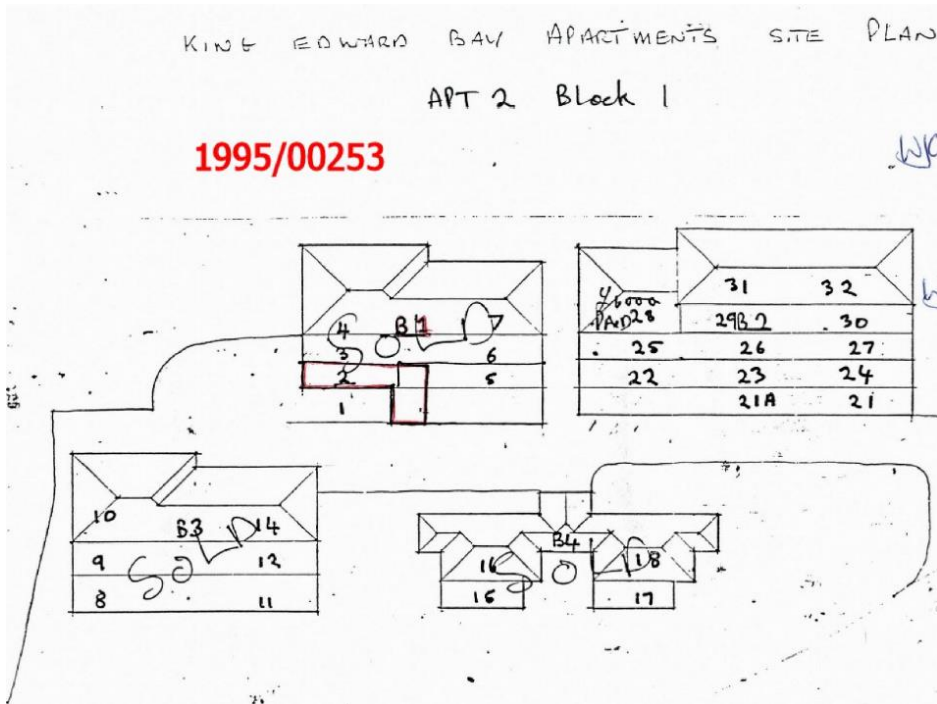


We simply can't use this to produce a registered title which enables the user to identify the land. Here, the Land Registration Act enables us to register the demise extent by reference to an alternative plan submitted to us –which must of course be accurate. It is appreciated that the applicant is often not the same as the original tenant.

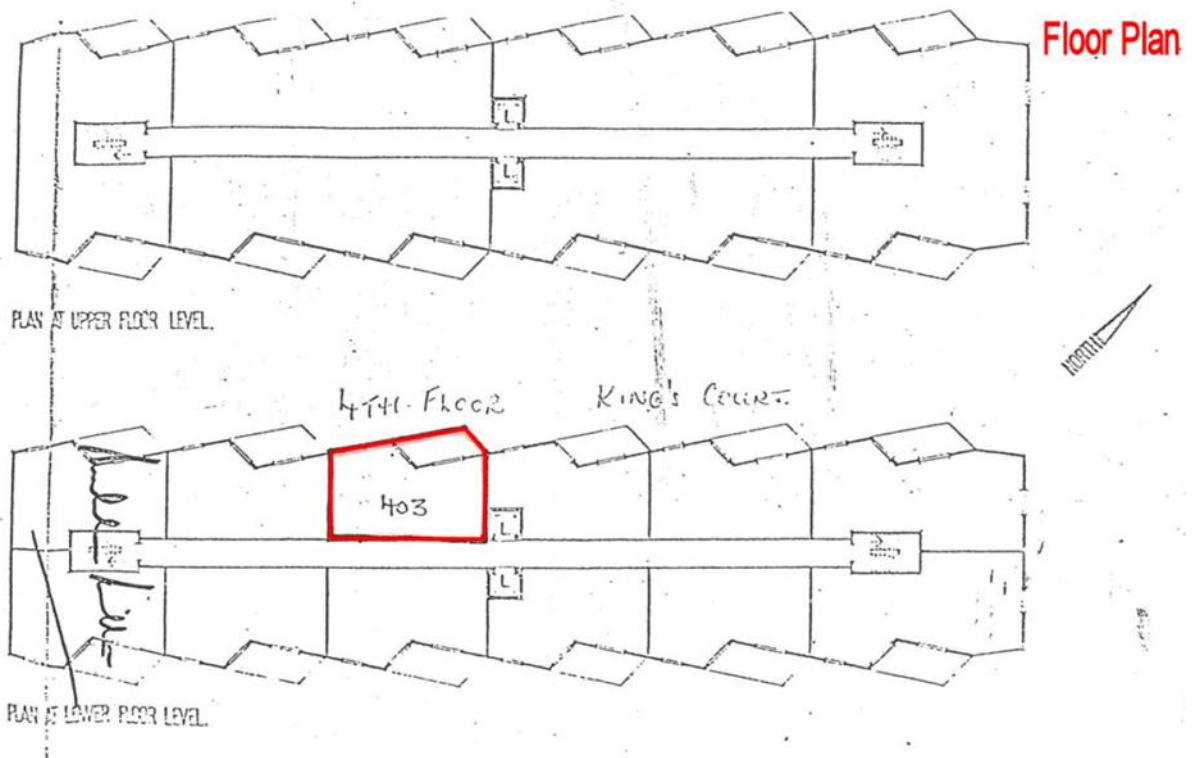
A positive example would appear as below. The Reversion is identified as if the extent of the leasehold. Our requirements and expectations are not onerous. Reversionary interest:



Leasehold interest identified in a manner that allows the flat to be identified:
[extract]



Or in an alternative location, a lease plan which enables us to proceed would be as follows:-



In this case, this is aided by the recognisable shape of the building itself.

7. Land Registrar succession and transitional planning.

The Chairman introduced JL as the Land Registrar designate, wishing him the best of luck in the role. JL is an experienced conveyancing solicitor who joins the Land Registry from the Attorney General's Chambers.

In order to assist JL, the Chairman asked members to let JL or NL have their views at the next meeting in relation to what improvements they feel the Registry can make, and similarly what services are working really well and should in their opinion not be changed.

8. Any other business.

RL raised an issue with having been requisitioned to release pre-emption rights relating to first time buyers on a title where the pre-emption was protected by an inhibition.

The Chairman explained that where this issue comes from is that some members of the profession are not asking what the inhibition in favour of the department relates to and are assuming it is connected with a loan/grant and it will be removed by the Form 15 in respect of the charges on the title. In making this assumption, they are not asking AGC's to arrange for separate release of the inhibition. The Chairman reminded all members that an inhibition will state what it is protecting and it is the profession's responsibility to correctly identify its purpose and deal with it accordingly.

The Chairman confirmed the issue raised by RL related to older titles only, adding that pre-emptive rights are schedule 5 burdens and as such are not registered on more recent titles. The Chairman had hoped PS was going to be in attendance at this meeting as the matter had been raised with the AGC's. It was agreed to put down as an agenda item for the next meeting.

[POST MEETING ADDENDUM:- The AGC has sent a note to the profession included in the Law Society newsletter addressing this point]

The Chairman confirmed where the pre-emption was protected by an inhibition on older titles, a Form 20-4 to remove the inhibition is required and the application fee of £40 applies.

9. Date and time of next meeting 15 December 2021 (tbc). Member input sought as this date may be too close to "get me in by Christmas" period.

Members agreed mid-January will work better than just before Christmas for the next meeting. JL to arrange accordingly in due course. The Chairman thanked Members for all their interactions over the last 5 years and for the very constructive relationship between the Registry and its users.