

Isle of Man Land Registry - Practice Guide GN01/2020

Proof of identity – individuals and companies

This Practice Guide explains when the Land Registry will require evidence or proof of the identity of an individual, a body corporate or other legal entity and how it should be provided.

1. Introduction

The risk of registration fraud is a recognised threat in the Isle of Man Land Registry. Fraud in the form of identity theft and the presentation of forged documents to the Land Registry for registration is a real risk to the security of land tenure in the Isle of Man.

As land and buildings are usually the most valuable assets people own it is important that the Land Registry takes steps to reduce fraud risk and to guard against fraudsters and fraudulent transactions in the land register. This is becoming more relevant as the Land Registry moves towards the provision of online conveyancing services.

It is therefore crucial that the appropriate verification and validation procedures are in place in order to confirm the identity of individuals, corporate bodies or other legal entities.

Advocates firms which undertake the majority of conveyancing transactions in the Isle of Man are required either by regulations or by their representative professional body to undertake stringent checks on the identity of their clients whether individuals or companies.

In those cases where a member of the legal profession is not involved in the conveyancing transaction itself or representing the party making the application to the Land Registry (and the individual him or herself or the body corporate itself wishes to lodge the application at the Land Registry) we will require confirmation of identity or evidence of identity under section 28(3) Land Registration Act 1982 and/or rule 127(c) of the Land Registry Rules 2000. This guide explains when confirmation of identity or rule 127(c) identity evidence is required and how it should be given.

Our requirements are not intended to impose any new liabilities on Advocates. The Land Registry has a statutory right of recourse to recover amounts paid for indemnity under section 66 of the Land Registration Act 1982.

2. Who needs to provide proof of identity?

All unrepresented parties and corporate parties by default. Represented parties on request.

We sometimes get asked whether people or corporate bodies can do their own conveyancing. The short answer is yes you can, and we do provide some procedural guidance on what's involved, such as how to complete a transfer form and what to do when a property owner dies. However, if you are considering doing some self-represented conveyancing, it's very important to be aware of certain matters and issues arising of which the following are some examples:

- There is a lot more to the conveyancing process than completing and submitting Land Registry forms. Almost invariably, there are also searches and other formal enquiries to be carried out before a transaction can take place safely. If these aren't done properly, or if they're not done at all, then complications can arise both during and after a transaction has happened. For example, someone other than the current owner might have an existing or priority interest in the property that might only come to light afterwards.
- Depending on the type of transaction, there can be significant legal and financial aspects that will need to be covered in the preparation of the documents. Land Registry standard forms require careful completion to be applicable to complicated scenarios.
- If you are a self-conveyancer, all parties involved will have to get their identities verified by a third party before an application can be made to us to register the transaction. If you are using a firm of Advocates the Land Registry are entitled to rely on the Advocate's declaration that he or she has satisfied the Advocate's legal obligation to satisfy themselves as to the identity of parties to a transaction in accordance with the Anti-Money Laundering and Countering the Financing of Terrorism Code 2019.
- If the transaction involves a mortgage, it is almost inconceivable that the lender will not insist that an advocate is used for the conveyancing work relating to that mortgage.
- If you do your own conveyancing and something goes wrong, then normally you'll have no recourse to compensation. If you use an Advocate, you may be covered by their professional indemnity insurance.
- Applications for first registration can **only** by presented by Advocates pursuant to rule 17 of the Land Registry Rules 2000 and confirmation of identity may be sought by the Registrar from Advocates.

This is why the majority of land transactions are handled by Advocates. Land Registry customer care is no substitute for the professional advice and the support legally trained professionals can give. We can only provide guidance about our processes and do not give legal advice in any circumstances.

It is important that where an applicant, or parties to a transaction, are not represented by an Advocate that evidence of identity is produced to enable registration to proceed.

In case of doubt Table 1 shows the types of application for which ID forms **will be** required of unrepresented parties. Table 2 and 3 show the types of applications for which ID forms **will not be** automatically required.

Confirmation of identity or rule 127 proof of identity

The Land Registry requires confirmation of identity or proof of identity to prevent registration fraud.

Applications from the following class of person will not be registered without accompanying evidence of identity in the ID Forms (ID1(a) and (b); ID2(a) and (b); and, ID3) other than in exceptional circumstances.

- Any person who is not an Advocate, or who is not a recognised bank or building society
 or a Department, Office, Statutory Board etc of the Isle of Man Government, who is
 lodging an application with the Land Registry.
- Any person who is a party to the transaction and who is not represented by an Advocate where the application is being lodged by someone who is also not an Advocate
- Any person who is a party to the transaction who is not represented by an Advocate, and although the application is being lodged by an Advocate, that Advocate is unable to certify that sufficient steps have been taken to verify the person's identity.

• Directors of corporate bodies party to a transaction (other than Directors of recognised banks or Directors of other corporate bodies approved by the Land Registry by facility letter e.g. institutional lenders).

Please note that where the application is being lodged by more than one person, or a party to a transaction comprises of more than one person, then each one must complete a separate form and produce evidence of their identity.

3. I am an unrepresented party. How do I complete the ID Form ID3?

This form must be completed by unrepresented parties, dated and signed no more than three months before lodgement of an application with Land Registry and must be submitted to the Land Registry at the same time as your application.

Form ID3 must be signed in the presence of a Commissioner for Oaths. (If the beneficial interest is identical to the legal ownership then these may be sworn in the presence of an officer of the Land Registry by appointment). If you are acting as a trustee for any third party then the identity form must be signed in the presence of a Commissioner for Oaths.

In order to have your identity verified by the Land Registry you must telephone first to make an appointment and to check that the evidence you intend to produce is sufficient.

The Land Registry public counter is located on the First Floor of Registries Building, Deemsters Walk, Bucks Road, Douglas, IM1 3AR and is open between 9.30am and 4.30pm Monday – Thursday and 9.30am and 4.00pm on Fridays.

4. Is this form open to public inspection?

No. This form, and any supporting evidence produced to the Land Registry where we are verifying your identity, is not subject to the public right of inspection.

Please note however that the Land Registry may share data provided in or in connection with ID forms when required by law and for anti-fraud purposes and may carry out checks concerning the information provided.

The Land Registry will retain all ID forms digitally.

5. Applications for first registration (in Form 1)

Please note that an application for first registration of a property (Form 1), whether voluntary or compulsory, may **only** be submitted by an Advocate.

Form ID1 must be submitted by the applicant Advocate if requested by the Land Registry. Form ID2 does **not** need to be completed in the case of voluntary applications for registration.

In the case of a compulsory application for registration Advocates may be required to submit Forms ID1 and either Forms ID2 or ID3 (as appropriate) accompanying their application in Form 1. The identity of **all** parties must be confirmed <u>if required</u> by the Registrar. In the event that there are any undisclosed beneficial interest holders of the Property or to the transaction the identities of these parties must also be verified by the relevant professional completing an ID Form in accordance with the customer due diligence requirements of the Proceeds of Crime Act 2008 and the Anti-Money Laundering and Countering the Financing of Terrorism Code 2019.

6. Conveyancing transactions in Form 2 and Form 3 or 4

(Transfers of a registered title or part of a registered title)

In the case of dispositions of registered land in Form 2 or 3 the relevant ID Forms must also be submitted by or on behalf of unrepresented parties in all cases, and by Advocates <u>if requested</u> by the Land Registry. In the majority of cases it be will sufficient for the applicant to provide a Form ID1(a) and a form ID2(a). In the event that there are undisclosed beneficially interested parties further ID forms may be required.

Given that this information may be difficult to obtain after contracts have been exchanged it is expected that Advocates will routinely obtain the necessary evidence of identity they may require to be able to satisfy any subsequent demands for this information by the Registrar.

7. General

Forms ID1(b) and ID2(b) must be used to confirm the identity of the signing Directors or authorised signatories to any transaction on behalf of a company.

If you have any queries in relation to the completion of identity forms, please contact the Land Registry

Telephone number: (01624) 685249

E-mail: land@registry.gov.im

ID FORM REQUIREMENTS, EXCEPTIONS AND EXEMPTIONS

TABLE 1 - APPLICATIONS FOR WHICH ID FORMS ARE REQUIRED

Application Type	Unrepresented Persons for whom ID forms
	are required
	(see exemptions in Table 3)
Form 1	All parties to the deed inducing registration
First Registration (Compulsory -	and any beneficially interested parties.
Freehold/Leasehold)	Note: On assignment of a Leasehold estate
	no ID forms are required for the landlord or
	any managing agent providing a licence to
	assign unless consideration in excess of
	£6000 is passing to such party.
Form 1	Applicant and any party with any beneficial
First Registration (Voluntary)	interest in the property
Form 2	All parties to the transfer and any
Transfer of Whole	beneficially interested parties
Form 3	All parties to the transfer and any
Transfer of Part	beneficially interested parties
Form 4	All parties to the transfer and any
Transfer of Part to Existing Title	beneficially interested parties
Form 8	Applicant
Application to Withdraw a Caution	Applicant
Form 9	Cautioner
Consent by Cautioner to a Registration	Cuttoner
Form 10	Applicant
Change of Service Address	пррисанс

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Form 11	Applicant and Chargee
Form of Charge	3
Form 13	Applicant and Chargee
Transfer of registered charges	Approcant and charges
Form 14	
Alteration to the terms of a registered	Applicant and Chargee
charge	
Form 15	Applicant and Charges
Discharge of Registered Charge	Applicant and Chargee
Form 16	
Release of part of premises from a	Applicant and Chargee
registered charge	
Form 20	
Change to a Registered Title	Applicant
Form 20-1/2	
Whole/Part of Registered Land Acquired	Applicant
by Possession	Applicant
Form 20-3	
Withdraw Deceased Joint Tenant from	Applicant
	Applicant
the Register Form 20-4	
	Applicant
Remove an Inhibition	
Form 23	All parties
Make a land boundary conclusive	'
Form 24	
Determine boundaries or extent of	All parties
registered land	
Form 26	Applicant
Rectification of the Title Register	Apparent
Form 27	Applicant and any other party
Cessation of minority	Applicant and any other party
Form 28	Applicant
Determination of Limited ownership	Applicant
Form 30	
Trustee appointed under a bankruptcy	Applicant
petition	
Form 36	
Creation of a rentcharge out of registered	Applicant
land	
Form 38	
Merge a registered leasehold title	Applicant
Form 64(a) and (b)	
Removal of Restriction	Restriction Owner
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 $\begin{array}{c} \mathbf{6} \\ \mathbf{TABLE~2-EXEMPTED~APPLICATIONS-NO~ID~FORMS~REQUIRED} \end{array}$

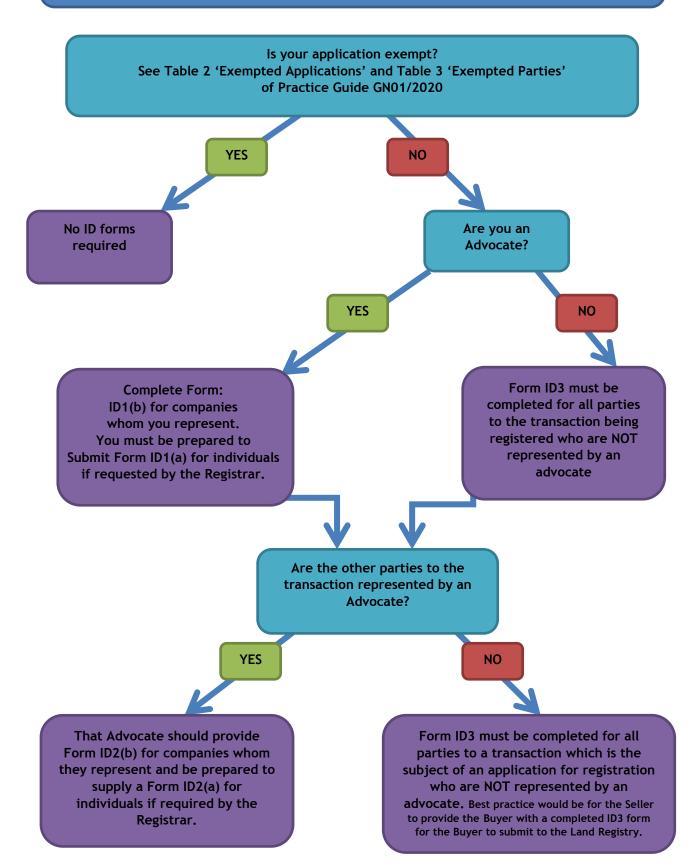
NO ID3 Forms required in respect of an unrepresented		
seller/grantor/disponor/chargee		
Low value	Where the true value of the estate or interest conveyed	
exception	granted disponed or charged is £6,000 or less.	
	NO ID Forms Required	
Form 6	Entry in the Register of Transactions	
Form 7	Caution against First Registration	
Form 17	Assent relating to all of the land in a registered title	
Form 18	Assent relating to a charge or charges over registered land	
Form 19	Assent relating to part of the land in a registered title	
Form 21	Entry affecting Registered Title	
Form 22	Reclassify a Registered Title	
Form 25	Application to the Land Commissioner for rectification	
Form 29	Notice of presentation of a petition of bankruptcy	
Form 31	Caution against dealings affecting registered land	
Form 32	Discharge a Caution against dealings affecting registered land	
Form 33a/33b	Application for Office Copy/to inspect a Title or pending	
	application	
Form 34	Application for a search	
Form 35	Search and register a priority	
Form 37	Affidavit in support of an application for a caution	
Form 56	Amalgamate Registered Freehold Titles	
Form 99	Extend Time for Compulsory First Registration	

TABLE 3

LE 3 - EXEMPTED PARTIES - NO ID FORMS REQUIRED
A bank or building society regulated in the Isle of Man or UK
A Department of the Isle of Man Government
A Statutory Board of the Isle of Man Government
On assignment of a Leasehold estate no ID forms are required for the landlord
or any managing agent providing a licence to assign unless consideration in
excess of £6000 is passing to such party
Any party who has been issued with a Facility Letter by the Land Registry
The vendor in respect of a voluntary application for first registration

Schedule 1

I am submitting an application to the Land Registry Which ID forms do I need?



Schedule 2

Application Number (LR use only)

Form ID1(a) LODGING ADVOCATE'S CERTIFICATE (INDIVIDUALS)

Please see 'Guidance Notes for Advocates ID Forms' before completing this form.



To be complete by any Advocate who is representing a party to the transaction being registered and who is submitting the application to the Land Registry

CERTIFICATE

I certify that I have undertaken the necessary checks and enquiries to establish the identity of the parties on whose behalf I have acted in this transaction as listed below.

Where I have acted for the legal owner of the estate the subject of the transaction I have confirmed the identity of any third party with a beneficial ownership in the estate, as at the date of the transaction (or in the case of voluntary registration at the date of the application), in conformity with the Proceeds of Crime Act 2008 and the Anti-money Laundering and Countering the Financing of Terrorism Code 2019.

Signed		
Print full name of Advocate		
Date		
DETAILS OF PARTIES To be completed for individuals represented by the Advocate named above, in the transaction being registered, BUT where an individual is signing on behalf of a company or body corporate please use Form ID1(b)		
Full name		Residential address
Capacity (eg Seller, Landlord)		
Date of Birth		
Full name		Residential address
Capacity		
Date of Birth		
Full name		Residential address
Capacity		
Date of Birth		

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Full name	Residential address
Capacity	
Date of Birth	
Full name	Residential address
Capacity	
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Date of Birth	
Full name	Residential address
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Capacity	
Capacity	
Date of Birth	
Full name	Residential address
Capacity	
Date of Birth	
Full name	Residential address
Capacity	
Date of Birth	
Date of birth	

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Form ID1(b) LODGING ADVOCATE'S CERTIFICATE (COMPANIES)

Please see 'Guidance Notes for Advocates ID Forms' before completing this form.



To be complete by any Advocate who is representing a party to the transaction being registered and who is submitting the application to the Land Registry

LAND REGISTRY

CERTIFICATE

I certify that I have undertaken the necessary checks and enquiries to establish the identity of the parties on whose behalf I have acted in this transaction as listed below.

Where I have acted for the legal owner of the estate the subject of the transaction I have confirmed the identity of any third party with a beneficial ownership in the estate, as at the date of the transaction (or in the case of voluntary registration at the date of the application), in conformity with the Proceeds of Crime Act 2008 and the Anti-money Laundering and Countering the Financing of Terrorism Code 2019.

Signed	
Print full name of Advocate	
Date	

DETAILS OF COMPANY

Name of Company	
Isle of Man Registered Company Number	
Capacity of company (vendor, purchaser etc)	

DETAILS OF SIGNATORIES

To be completed for persons signing on behalf of the company represented by the advocate named above in the transaction being registered

Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	

Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	

Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	
Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	
Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	
Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	
Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	

Form ID2(a)

ADVOCATE'S CERTIFICATE - OTHER PARTIES (INDIVIDUALS)

Please see 'Guidance Notes for Advocates ID Forms' before completing this form.

To be completed by any Advocate who is representing a party to the transaction being registered but where they are **NOT** the Advocate submitting the application to the Land Registry



CERTIFICATE

Signed

I certify that I have undertaken the necessary checks and enquiries to establish the identity of the parties on whose behalf I have acted in this transaction, as listed below.

I have confirmed the identity of any third party with a beneficial ownership in the proceeds of sale of the estate, from the date of the transaction, in conformity with the Proceeds of Crime Act 2008 and the Anti-Money Laundering and Countering the Financing of Terrorism Code 2019

Print full name of Advocate		
Date		
		e Advocate named above, in the transaction being registered, ompany or body corporate please use Form ID2(b)
Full name		Residential address
Capacity (eg Seller, Landlord, Assi	gnor)	
Date of Birth		
Full name		Residential address
Capacity		
Date of Birth		
Full name		Residential address
Capacity		
Date of Birth		
Date of Birth		

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Full name	Residential address
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Form ID2(b)

ADVOCATE'S CERTIFICATE - OTHER PARTIES (COMPANIES)

Please see 'Guidance Notes for Advocates ID Forms' before completing this form.



To be completed by any Advocate who is representing a party to the transaction being registered but where they are **NOT** the Advocate submitting the application to the Land Registry

CERTIFICATE

I certify that I have undertaken the necessary checks and enquiries to establish the identity of the parties on whose behalf I have acted in this transaction, as listed below.

I have confirmed the identity of any third party with a beneficial ownership in the proceeds of sale of the estate, as at the date of the transaction, in conformity with the Proceeds of Crime Act 2008 and the Anti-Money Laundering and Countering the Financing of Terrorism Code 2019

Signed	
Print full name of Advocate	
Date	

DETAILS OF COMPANY

Name of Company	
Isle of Man Registered Company Number	
Capacity of company (vendor, purchaser etc)	

DETAILS OF SIGNATORIES

To be completed for all persons signing on behalf of the company represented by the advocate named above in the transaction being registered.

Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	

Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	

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Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	
Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	
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Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	
Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	
Full name	Residential address
Capacity (director, secretary etc)	
Date of Birth	

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Form ID3 - CERTIFICATE OF IDENTITY APPLICANTS IN PERSON -For use in the Land Registry only

WARNING

If you dishonestly enter information or make a statement that you know is, or might be untrue or misleading and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may be liable on



conviction on information to imprisonment for a term not exceeding two years or to a fine, or to both as per Section 74 of the Land Registration Act 1982 in addition to any separate offences which you may be committing under the Fraud Act 2017

FOR COMPLETION BY ALL PARTIES (INCLUDING COMPANY SIGNATORIES) WHO ARE NOT REPRESENTED BY AN ADVOCATE

Any parts of the form that are not typed should be completed in block capitals.

This form must be completed no more than three months before lodgement of the application with Land Registry.

A separate form must be completed by each individual person for whom evidence of identity is required.

(1) INDIVIDUAL DETAILS

1 7	
Title (Mr, Mrs, Miss, Dr, etc.)	
First name(s) (Provide full names)	
Surname	
Date of birth	
Current residential address	
Any other address(es) you have lived at within the last five years (with dates) Use additional sheets if necessary	
Contact telephone number/s	
E-mail address (if any)	

(2) COMPANY DETAILS

Complete this section only if you are acting in this transaction for a body corporate or other organisation

Capacity (Director, Secretary etc)	
Name of Company	
Isle of Man Registered Company Number*	
For companies not registered in the Isle of Man only:	
Jurisdiction of Registration	
Company Number	

Continued overleaf...

^{*}Please note that any company which owns property in the Isle of Man must register as an F-Company with the Isle of Man Companies Registry pursuant to the Foreign Companies Act 2014

I authorise the Isle of Man Land Registry to confirm my identity	o make such additional searche	es and checks as necessary to
Signed:	Dated:	
(3) AFFIDAVIT OF INDIVIDUAL		
I nake oath and say / solemnly affirm that the information that I have provided	and declare (delete as applicable	
SWORN at	by	(individual to sign)
This day of 20		
Before me	(print name Commissioner for Oat	ths)
Signed: Commissioner for Oaths	_	
(4) CERTIFICATE OF COMMISSIONER FOR To be provided by the Commissioner for O		
I	(Commissioner for Oaths)	
of	(business names and add	dress)
certify that has produced to me the originals of the e		I
have inspected.	vidence of identity indicated in :	Scriedule 1 below and which 1
I confirm that the photograph attached, a has provided this evidence to me in perso		ue likeness of the person who
Signed:	Date:	
Commissioner for Oaths		
NOTES: • The Commissioner for Oaths should • The Land Registry may contact the • Where identity is verified by a Conevidence must be enclosed with the their jurisdiction.	Commissioners for Oaths to ch nmissioner for Oaths outside th	heck that this form is genuine. ne Isle of Man or United Kingdom
Continued overleaf		

(5) PHOTOGRAPH OF INDIVIDUAL

Staple or loosely attach the recent colour passport-size photograph here The Commissioner for Oaths must print "Certified by [name of Commissioner] to be a likeness of a person claiming to be [name of individual]" sign it and add the date.

The photo must be on photographic paper.

Please staple or otherwise loosely attach the photograph to the form. Please do not glue the photograph to the form.

SCHEDULE 1 - EVIDENCE OF IDENTIFICATION

Photo ID documents should be in colour and certified as a:

'True copy of the original document and a true likeness of the person who has provided this evidence to me'

Documents submitted as evidence of address should be certified as a:

'True copy of the original document'

All copies should be signed and dated by the Commissioner for Oaths.

 (1) For all parties (individuals and representatives of companies) please provide: (a) One of the following: Current valid full passport
Current United Kingdom or Isle of Man photocard driving licence including counterpart where applicable (not a provisional licence)
Current full UK driving licence (old version)
Recent income tax notification
AND
(b) Two of the following, showing your current residential address:
A rates, council tax or utility bill valid for the current year*
☐ An account statement from a recognised bank, building society or credit card company* ☐ A recent mortgage statement from a recognised lender*
A current UK or Isle of Man driving licence (if not used as verification of identity)
*not more than 3 months old and received by the individual in the post
(2) For companies not registered in the Isle of Man, please provide ALL of the following: Certificate of Incorporation Certificate of Good Standing Evidence of the individual's authority to represent the corporation
NOTE: Any company which owns property in the Isle of Man must register as an F-Company with the Isle
of Man Companies Registry pursuant to the Foreign Companies Act 2014. These documents are not
required for any company which has been registered at the Isle of Man Companies Registry.
(3) For persons signing under a Power of Attorney (in addition to (1) above) please provide: The deed of Power of Attorney OR
☐ If the Power of Attorney is recorded in the Deeds Registry, the reference number:
Continued overleaf

NOTE: If the date of the Power of Attorney is more than 12 months before the date of the transaction being registered a statutory declaration pursuant to Rule 103 of the Land Registry Rules 2000 is required. Please contact the Land Registry for more information.

If any individual is unable to supply the documents listed above, please contact the Land Registry to discuss suitable alternatives BEFORE attending the Land Registry to present an application.