



Land Registry User Group

Minutes of Meeting

Date : Wednesday 19 January 2022
Time : 11.00 am
Venue : MS Teams
Present: James Lowery, Land Registrar, (Chairman)
Ed Clague, Central Registry
Lexi Dernie, Appleby
Jeff Jepson, Appleby
Graham Kirkpatrick, Dandara Group
Ruth Ledger, Pringle Law
Nigel Lewney, Central Registry
Tracy McQuillan, AGC
Michael Miles, Corlett Bolton
Irimi Newby, Simcocks
Martin Paterson, Paterson Property Law
Alex Poole-Wilson, Cains
Shona Quayle, Long & Humphrey
Paul Shimmin, AGC

Apologies: Mark Humphrey, Long & Humphrey
James Kennaugh, MannBenham Advocates
Ray Marley, Callin Wild
Carol Young, M&P Legal
Michael Crowe, Finance Isle of Man

1. **Welcome, introduction and apologies.**

The Chairman welcomed users to the first meeting 2022. Receipt of apologies was noted from those unable to attend.

2. **The minutes of the meeting of 22 September 2021 were approved.**

3. **Matters arising or carried forward from meeting of 22nd September 2021.**

JL stated that some of the items carried forward on the agenda had been outstanding for long periods of time and he had reviewed each to both understand the background to the matter and furthermore what the priority on each item was. With that in mind he sought comment on the following items:

- a) **Manx Utility burdens.** This issue had initially been raised by MU through concerns that its infrastructure was not referred to on some titles. GK suggested the Registry

may wish to refer this back to Karl Kaighen at MU as he is now in charge of Wayleaves.

GK explained the issue with wayleaves was that in the past the Land Registry had allowed Manx Utilities to register easements on titles, no mention being made of the covenants or the benefitting rights. In summary, there had been different approaches to noting on titles over different times.

- b) **Priority Searches.** JL said it was noticeable that priority searches were not used frequently. GK said priority searches should be used and failure to do potentially gives rise to claims of professional negligence.

LD said there was still confusion over how an application for priority search can be made online, MP agreeing and adding that education in terms of why and how it should be done would be really beneficial. APW said results need to be quicker and simpler; the result should almost be instantaneous and if the Registry can provide an online offering that is simple to use and provides an instant result he was sure more people would use it.

IN mentioned the fact that the protection period offered by the priority search is shorter than that in the UK. This issue had been raised previously but at that time there was no consensus amongst members as to what the time period should be.

It was agreed that guidance on why priority searches should be carried out, and how the application should be made, should be one of the Registrar's priorities. The Registry agreed to look at improving the process.

- c) **Review of leasehold office copies.** JL said that he understood this referred to the wording on office copies relating to leasehold titles, a matter that had initially been raised by Alex Mitchell. JL said he believed this had been addressed some time ago but sought comments if anyone still believed there was an issue to address. No comments were made so it was agreed that this item will be treated as closed.
- d) **Island Polygons.** JL said he understood this matter initially arose when the new land registry system became live, the new mapping and how it was being applied causing some uncertainty on estates in particular. JL said he understood this had now been addressed, and when activity arises on titles the mapping is addressed accordingly. JL added that the Registry still have an exercise to do to address those titles where no new edition of title has been generated since the new system came in to use so he will leave this as an agenda item for future meetings in order to update on progress.

4. **Land Registry Update:**

a) **Workflow statistics**

NL reported that the number of applications in the Land Registry had reduced from 425 at close of business on the 17 September 2021 to 268 applications as at close of business on 18 January 2022.

NL provided the following breakdown of the 268 applications:

- 62 were out with advocates for approval
- 31 have had requisitions raised on them
- 29 have been referred to the Legal Officer
- 5 are with the Land Commissioner
- 56 are awaiting an internal check before being issued to Advocates for approval
- 10 applications are held up by other applications
- 75 not looked at yet

Of the 75 not yet looked at:

- 8 were 8 to 14 days old
- 67 were received within the last 7 days

b) User feedback – Performance issues to be reported

APW asked about the use of the evidence of identity forms, explaining that when the requirement to confirm identity of applicants and parties connected to transactions was introduced the Registrar indicated that he was likely to request sight more often than not even when the transactions involved advocates on both sides. As this has not played out in practice for residential sales, APW said he is finding some firms are in effect wasting time at contract stage by trying to negotiate additional time in which to supply the information if it is requested. APW asked members if they were experiencing similar issues, adding that it was probably a matter for the IOM Law Society rather than for the Land Registry.

GK said that this point was captured by the new draft contract drawn up via the IOM Law Society and that supplying the information should be standard practice. It was considered that a lack of understanding of GDPR legislation may be the reason, however it was confirmed that the information sought is exempt for these purposes. As an aside, it transpired that not many members were using the new draft contract but that is clearly a matter for the IOM Law Society/Property Committee.

JL said he will need to look at the forms and requirements from a Registry perspective.

On a separate matter, APW asked if the Land Registry could review its requirement to have an Appendix D (add an Inhibition) signed when it is lodged with a Form 11 (Charge) accompanied by an original charge. In such cases the Form 11 does not require signing as the signatures show on the accompanying charge and APW asked if the requirement for the Appendix D to be signed could be relaxed accordingly. JL agreed to consider this.

c) Property Market update/projections from Members

The general view was that all price bands in the property market are continuing to move quickly. GK agreed that the market was moving quickly on Island but added that it was not as hot as the UK where demand continues to outstrip supply.

5. **Agenda Items:**

(a) **General comments as to the purpose of the User Group and further meetings.**

JL asked members for their views on how they would like to see the Land Registry User Group evolve. GK suggested a closer relationship with the IOM Law Society and Property Committee would be beneficial for everyone, this enabling the main issues to be surfaced and resolved through collaboration, therein enabling a joint message on approaches going forward. GK is prepared to offer his time to assist and also to present matters where needed. Members agreed and supported the suggestion.

IN said the next meeting of the IOM Property Committee is in 2 weeks' time and it was agreed JL will be invited to attend and to assist in forming the new forums and its terms of reference.

(b) **Land Registry and Deeds Registry Fees**

EC explained that Government expenditure in response to covid has meant that the Department for Enterprise and the Treasury are keen to review income streams and in particular registration fees, the last review having taken place in 2019. EC added that during the recent elections one of the recurring messages from voters to politicians was that more should be done to assist first time buyers and there should be a deterrent to off-Island buyers. With that in mind EC explained that a tiered system for fees was likely to continue, adding that the introduction of tiered fees in 2019 had not resulted in any negative impact on the market as far as he was aware.

LD expressed the view that the tiered, and higher, fees had just been accepted. APW agreed, however he felt that the fees for inter-company transfers could be made fairer.

IN said the fees just smack of a tax and it makes promoting and selling the Island as a jurisdiction with no stamp duty extremely difficult, if not impossible. MP agreed, suggesting that members of the public should be treated with intelligence and the charges should be called a Stamp Duty. MP felt if this was done people will appreciate and accept it more.

(c) **Survey Map extracts – future requests to DOI.**

JL reminded members that survey map extracts will need to be purchased from the mapping team at the Department of Infrastructure as from Monday 24 January 2021, this having been initially communicated by NL's e-mail to the profession on 18 January.

IN said a lady from her office had contacted the DOI the previous day to arrange an account for payment but was told the team know nothing about the change so it appeared that DOI were not prepared for this change. IN asked NL if he could look into this. NL said he was surprised to hear this as the change had been discussed with a representative from the DOI mapping team since before Christmas, the same person had input and approved the e-mail NL issued on the 18 January and the e-mail had also been sent to the DOI mapping team. NL

asked IN if the lady in her office could instead e-mail him if she had not managed to resolve her matter to which IN agreed (post note - no e-mail was received by NL).

MP said he felt this was a backward step and asked if the Registry could consult on such changes in the future. MP explained that he was a small business and he does not have the resources to reconcile payments on a monthly basis. NL explained that DOI are custodians of the map and from a registry perspective, whilst he was very conscious that members had become used to an excellent service from the team the Registry does not have the resources to maintain the service. NL explained to members that the Civil Registry is also his responsibility and that is in desperate need of modernising; the only resources available to assist with that are in the main the same resources that work on Land and Deeds matters. In terms of reconciling, NL said the Registry produced on average around 80 maps per month in total; taking into account such figure, it was hoped that reconciling monthly payments is unlikely to be that time-laborious for any firm.

APW asked if a separate mapping licence is still required from the government to copy and use map extracts for searches or in sale documents etc, or is a licence to use for those purposes implied in the provision of the map extract. NL said he recalled raising this with DOI on behalf of APW once before and had provided the answer received at that time, however NL could not remember what the answer was. NL agreed to raise this with DOI again.

APW asked if it was acceptable for a snip from the Title Locator to be used in substitution for a genuine survey map extract, his question being posed as this was what he had received from another firm recently (one member commenting that it was outrageous for this to have been provided). It was confirmed that neither a snip, nor a photograph, from the Titlelocator was acceptable

NL said the mapping team in DOI would like to enable members to select and purchase map extracts directly from the system, and the intention is to provide this in the future if they can. NL was not in a position to confirm when this is likely to happen by, or where on the Government website the self-service option may be published in due course but did suggest it would make sense to have the option linked in with the Titlelocator if this was possible.

(d) Form 15, 16 and Receipt to Cancel – Update on the banks discussion and potential streamlining of systems.

JL informed members that representatives from the Land Registry, the Property Committee and the Land Registry User Group met with representatives from the IOM Bankers Association on 10 January 2022 to discuss how the time taken to get signed discharges/releases from the Banks could be reduced, and also discuss how we could move to electronic discharges.

A follow up meeting is planned for the 31 January where the Bankers Association are due to report back on the concerns raised. The Land Registry will also give an update at the meeting on its ability and willingness to accept pdf documents without requiring sight of the original hard copy document.

(e) Form 15 – Processing of a transfer with a remaining charge where there is no inhibition.

JL referred to the Registry's current practice of registering a transfer of whole but leaving the transferor(s) existing charge on the title where the discharge had not been supplied with the application to transfer the title and asked if this was causing any issues.

GK said early completion effectively works the same in the UK. Members were content with the current process, confirming that it was not causing any issues.

(f) Change in policy re advocate approval for Form 2, name changes, standard dealings with registered land.

JL informed members that the Registry intends to change its policy around sending applications to advocates in draft form to approve. Currently, all applications are issued in draft form for approval but the intention is that in future straight forward applications such as change of name, update service address, etc will simply be committed to the register. All first registrations and transfers of part will still be issued in draft form for advocates to approve.

JL said he hoped this change will, through a reduction in matters being issued for approval, allow advocates more time to carefully check applications where needed.

Members agreed that this change made sense.

The Registry will issue further details on this shortly.

(g) Consultation on the Electronic Transactions Act.

EC referenced the recent consultation on the Electronic Transactions Act, informing members that the consultation period had now expired. EC stated the Central Registry had not made any submission but he has a meeting arranged with the team who dealt with the consultation exercise, and are dealing with the feedback, to enable the Central Registry to still provide input.

A number of members confirmed the firms they work for had submitted responses.

(h) Standing Committee Recommendations.

JL informed members he will be looking to start the consultation on the recommendations made by the Standing Committee shortly.

APW thought there was value in leases of less than 21 years being registerable, however he raised doubts about gifts and assents acting as additional registration triggers working in practice.

(i) Exempt information rules.

JL referred to the above and said it was difficult to establish where the driver had come from for this, or indeed what if any consultation had taken place to date.

GK said this had been raised as an issue at the Land Registry User Group before it reached the Domestic Abuse Act, the issue raised not only covering matrimonial matters but also commercially sensitive matters to. GK suggested JL look at the English model.

EC asked GK if he could give any examples of what could be considered as a commercially sensitive matter. GK agreed to send EC a copy of the English regulations and also provide details of matters that could be considered to be commercially sensitive.

(j) Housing and Communities Minister

EC informed members of the recently established Housing and Communities Board and advised he had recently attended its first meeting. EC reported that Mr Chris Thomas is heading up the Board and it appears to have a very wide remit.

EC indicated that he would like to encourage Mr Thomas to talk to the Land Registry User Group/Property Committee. Members welcomed this.

(k) Feedback – what we do well and what we need to improve on (you will recall this was mentioned at the last meeting)

GK suggested everyone would benefit if the Registry published guidance on its treatment of applications and expectant time-scales etc. JL agreed this is something that is needed.

6. Any other business

There was none.

7. Date and time of next meeting April 2022.

Rather than setting the date and time of the next meeting JL said he will arrange it nearer the time, avoiding the fortnight around Easter. JL said he hoped the next meeting will see members attending in person again.