

## Frequently Asked Questions

This document is provided by the Central Registry to give guidance only and is not, and should not, be treated as a complete and authoritative statement of the law. Advice from legal or other appropriate sources should be sought as necessary.

### What does the Land Registry do?

The Land Registry creates and maintains a map-based Title Register which gives details of interests in land in the Isle of Man. The Title Register includes details of the owner, charge burdens (i.e. mortgages) and any rights affecting or benefiting the land. In addition, the Land Registry may show details of interests in land such as priority searches, cautions against first registration or cautions against dealing.

### What is the Title Register?

The Title Register is a computerised set of records. It is divided into titles, each of which is identified by a unique number and which includes the tenure – freehold or leasehold – of the land and the following information arranged in three parts:

1. A description of the land comprised in the title, including:
  - (i) a reference to the filed plan, on which the extent of the land in the title is shown
  - (ii) in the case of a registered leasehold estate, a reference to the lease creating the estate
  - (iii) particulars of rights and interests over other land which are appurtenant to the land, and of rights and interests over the land which are appurtenant to other land
  - (iv) such other particulars or matters as the Registrar considers necessary or desirable
2.
  - (i) the class of title (for example, absolute, possessory, qualified, good leasehold)
  - (ii) particulars of the owner of the land including, in the case of a company, its registered number
  - (iii) the class of ownership (for example, joint tenant, sole tenant, tenants in common)
  - (iv) particulars or any cautions, inhibitions and restrictions
  - (v) such other particulars or matters as the Registrar considers necessary or desirable
3. particulars of burdens affecting the land, including –
  - (i) the ownership of any registered charges
  - (ii) notice of the existence or otherwise of Schedule 5 burdens (that is, burdens which affect registered land without registration – see Schedule 5 of the [Land Registration Act 1982](#) for details
  - (iii) such other particulars or matters as the Registrar considers necessary or desirable

### Is all land registered?

Compulsory first registration was rolled out in several phases. With effect from 1 May 2002, the parishes of Andreas, Ballaugh, Bride and Jurby were declared subject to compulsory first registration. With effect from 1 May 2003 German, Lezayre, Maughold, Michael and Patrick were also made subject to compulsory first registration, which had the effect of including Peel and Ramsey. On 1 September 2005, the whole Island became subject to compulsory first registration with the exception of the parishes of Braddan and Onchan which themselves became subject to compulsory first registration with effect from 1 December 2009. If a property has not been the subject of a transaction since before its area became compulsory, it may not be registered. However, in addition to compulsory registration, land may be voluntarily registered at any time.

## **When is registration compulsory?**

When a property is sold, leased for over 21 years, or an assignment is made of the unexpired term of an existing lease where there is more than 21 years to run, an application must be made within 3 months of the date of the transaction to register the title in the Land Registry.

## **What information is available in the Land Registry?**

The Land Registry creates and maintains a Title Register which gives details of interests in land including details of the owner, charge burdens (i.e. mortgages) and any rights affecting or benefiting the land. In addition, the Land Registry may show details of interests in land such as cautions against first registration, cautions against dealing, priority searches, inhibitions, restrictions, applications to register land and applications to deal with registered land. This information can be reviewed by making a personal inspection using public terminals in the Land Registry or by requesting an [official search](#).

## **Why do I have to register my property?**

Under Schedule 2, Part 1 of the [Land Registration Act 1982](#) if a conveyance on sale of a freehold estate or the grant or assignment on sale of a leasehold estate for over 21 years is not registered within 3 months of the date of execution, the transaction becomes void. Because all applications for first registration must include a certificate given by an Advocate, it is the responsibility of your Advocate to ensure that application is made in time. Property may also be voluntarily registered at any time even if it has not been the subject of a recent transaction.

## **How do I register my property?**

All applications for the first registration of property have to include a certificate by an Advocate in the form included in [Form 1](#). If you are buying a property which is not already a registered title, your Advocate will examine the historic title and complete the [prescribed forms](#) and other documents necessary to register the property.

## **Do I have to employ the services of an Advocate to register my property?**

All applications to register a title in the Land Registry (a process known as first registration) must include a certificate by an Advocate in the form included in [Form 1](#). In practice this means that all applications for first registration must be signed off by an Advocate.

## **How much stamp duty is payable in the Isle of Man?**

Stamp duty is not payable in the Isle of Man. Please refer to the [Land Registration Fixed Fees Order 2019](#) and the [Land Registration General Fees and Duty Order 2019](#) for details of registration fees payable on applications to the Land Registry. Reduced rates are available for those who own a single residential property which is valued up to a specified limit and who are able to complete a valid declaration to that effect. Please refer to [Practice Directive 02/2019](#) for further details. A [spreadsheet](#) is also available to assist in calculating variable fees.

## **Are Government properties registered?**

Some Government owned properties are registered but the majority are not.

## **I need to sell my property but the registration process isn't complete - what do I do?**

There is nothing to prevent a further dealing with a property while an earlier application is still being processed. In order to protect your interest in a property, it is recommended that you submit your application

as soon as possible rather than wait for the earlier transaction to be processed. Subsequent applications can be made and will be dealt with by the Land Registry in order of priority.

### **How can I get a copy of a Title Register/title plan?**

Copies of entries in the Title Register including the Office Copy, Filed Plan and any supplementary plans or other documents referred to in the Title Register, are available by completing the appropriate [official search forms](#).

### **Can you tell me how old my house is?**

It may be possible to establish the approximate date where a property was built if it was sold out of registered land by the developer but in general the Land Registry records do not show when a house was built. Informal methods of discovering the age of a property include local knowledge, asking neighbours or the local authority.

### **Can you tell me how much my property is worth?**

The Land Registry does not provide a property valuation service. The last consideration and/or market value for a registered title will be shown on the current edition of title.

### **What is the average price of property in the Isle of Man?**

While the price of specific properties can be found by making personal inspections or official searches, the Land Registry do not currently produce any statistics or analysis of average property prices. An anonymised extract of data, updated monthly and covering details from land transactions which have been registered in the Land Registry, is available for download in CSV format (usable in many spreadsheets and databases) from the [Land Transactions](#) entry on the Government's Open Data webpage. The extract includes the address, consideration paid, market value and the date of the transaction but does not include names of any owners.

### **Can you tell me who owns or rents a property?**

The name of the owner of a registered property can be discovered by making a personal inspection of the Title Register during office hours or by requesting an official search. Because leases for less than 21 years are not registerable as a title in their own right, it may not be possible to discover the lessee of, for example, commercial property where such short leases are common. If a property is not registered in the Land Registry you can still make a search of the [Deeds Registry](#), although in most cases this will involve searching by reference to the names of the parties involved in individual deeds. If you do not know the names of any owners you can try contacting the Isle of Man Treasury Rates Section via [e-mail](#) or by telephoning (01624) 685661.

### **How do I find out who owns a parcel of land that has no address?**

Because the Land Registry is map-based, if you can identify the land on the map it is possible to immediately establish if the land has been registered and, if it has, to request details of the owner. If the land is not registered you will need to refer to the [Deeds Registry](#).

### **What information can I get from the Land Registry?**

The Title Register gives details of interests in land including details of the owner, charge burdens (i.e. mortgages) and any rights affecting or benefiting the land. In addition, the Land Registry may show details of interests in land such as cautions against first registration, cautions against dealing, priority searches, inhibitions, restrictions, applications to register land and applications to deal with registered land. This information can be reviewed by making a personal inspection using public terminals in the Land Registry or by requesting an official search.

## **Do you share information with other Government departments?**

The information created and maintained in the Title Register is open to the public. Other Government departments have access to the Title Register in the course of their business.

## **How do I find out where the boundary of my property is?**

Every registered title includes a filed plan which shows the boundaries of the property. However, subject to Section 59 of the [Land Registration Act 1982](#) the Title Register is not conclusive as to the boundaries or extent of the land. The Act makes provision for boundaries to be made conclusive but this would require a specific application to the Land Registry to make them so. Your Advocate will be able to advise you as to the process.

## **Can the Land Registry help me resolve a boundary dispute with a neighbour?**

The Land Registry map is an index map and identifies property, not boundaries. Subject to Section 59 of the [Land Registration Act 1982](#) the Title Register is not conclusive as to the boundaries or extent of the land.

## **Can I search online?**

The Land Registry cannot be searched online at present. Searches can be made in person during [office hours](#) or may be requested by completing and submitting the appropriate [search forms](#).

## **I am a property owner and have changed my address - what do I need to do?**

Every owner has an associated address on the Title Register which may be used to send official notices concerning the title. If you have changed the service address shown against your name on the Title Register you should complete and submit a [Form 10](#) (together with [Form 100](#)). Because some official notices require a reply within a specified time, if the Title Register is not kept up to date with any changes to your address it may mean you will not have time to respond to such notices.

## **I have changed my name - what do I need to do?**

If you have changed your name you can update the Title Register by completing and submitting a [Form 20](#) (together with [Form 100](#)). Please refer to [Practice Directive PD05/2008](#). You may also need to provide certified copies of additional supporting documents, e.g. marriage certificate or a copy of a deed poll change of name. If the owner's name shown on applications affecting the title is different from what is shown on the title, this will delay the processing of the subsequent application.

## **If I have paid off my mortgage on my registered property, do I need to inform you?**

When a mortgage - shown on the title as a charge burden - has been paid off, the title should be updated to reflect the fact that the lender no longer has any interest in the registered property. To do this, the charge burden can be removed by making an application in [Form 15](#) (together with [Form 100](#) and the current [prescribed fee](#)) which has been executed by the lender.

## **How do I transfer (sell or gift) my registered land or property?**

Once registered, any owner or person having an interest in a property may complete and submit the appropriate application form to transfer their registered land or property to another. Copies of the prescribed Land Registry forms are available [here](#) but if you have any questions or are uncertain how to proceed you are advised to seek qualified legal advice. Please note that Land Registry staff are not permitted to give legal advice.

## **How do I add or remove a person(s) from the Title Register?**

The owners of a registered property may change as a result of, for example, the death of a joint registered owner or when a registered owner gifts or sells an interest in a property to another person, or for a number of other reasons. Once registered, any owner or person having an interest in a property may complete and submit the appropriate application form to change the entries in the Title Register. Because of the range of circumstances which can give rise to the addition or removal of owners from a registered title it is not possible to give comprehensive answer. Copies of the prescribed Land Registry forms are available [here](#) but if you have any questions or are uncertain how to proceed you are advised to seek qualified legal advice. Please note that Land Registry staff are not permitted to give legal advice.

## **I am applying for planning permission - do I have to contact the Land Registry?**

The Land Registry is not involved in the planning process. You will need to liaise with the [Planning and Building Control](#) division of Department of Environment, Food and Agriculture.

February 2020