



Land Registry User Group

Minutes of Meeting

Date : Wednesday 19 February 2020
Time : 11.00 am
Venue : Ceremony Room at the Civil Registry, Deemsters Walk, Douglas

Present: Nicholas Arculus, Land Registrar, (Chairman)
Jeanette Craster, MannBenham (JC) Gaynor Denham, MannBenham (GD)
Alex Poole-Wilson, Cains (APW) Christina Kemp, Mann Benham (CK)
Alexandra Dernie, Applebys (LD) Graham Kirkpatrick, Dandara Group
Carol Young, M&P Legal (CY) Legal Department (GK)
Stephen Castle, Corlett Bolton, (SC) Colin Falconer, Project Manager (CF)
Joanne Creedon, Quinn Legal (JoC) Emily Woods, Bridson Halsall (EW)
Thomas Hardstone, Quinn Legal (TH) Ray Marley, Callin Wild (RM)
Edward Clague, Acting Registrar General Irini Newby, Simcocks (IN)
(AgRG) Alex Mitchell, LVW Law (AM)
Zita O'Kelly (Callin Wild) Zo'K Dylan Pycroft, Registration Officer.

Apologies:

Martin Paterson, Bridson Halsall (MP)
Nigel Lewney, Registries Manager (NL)
Juan Moore, IOM Law Society (JM)
Ruth Ledger, Pringle Law (RL)
Paul Shimmin, Attorney General's Chambers (PS)
James Kennaugh, Cains Gordon Bell (JK)
Tracey McQuillan, Attorney General's Chambers (TQ)
Victoria Hodgson, BridsonHalsall (VH)

1. Welcome, introduction and apologies.

The Chairman welcomed users to the first meeting of LRUG for 2020.

2. The minutes of the meeting of 11 December 2019 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.

4. Land Registry Update:

- (a) Workflow statistics
- (b) Workload

- (c) User feedback and
- (d) Property market update from Members

The Chairman talked members through the workflow statistics which revealed that the Land Registry is receiving and processing more applications than at any time in its history. At the same time the backlog of matters was very high and half of the register staff had been engaged in the development and testing of our new IT system. The age profile of our applications demonstrated that we were endeavouring to deliver timely registration. Of the 962 outstanding applications only 12 were over 12 months old and of these 12, half were subject to hearings.

Members acknowledged the efforts of Registry staff to prioritise urgent applications where this could happen. The Chairman confirmed he was happy to endorse this but members must realise that if too many requests were made for expedition then greater controls would have to be introduced. At present the informal approach of members contacting the Registries Manager to ask for matter to be expedited was working and did not need to change.

The Members confirmed that the market remained generally busy.

5. Deeds and Probate Registry Online service.

<https://services.gov.im/deeds-and-probate-registry/>

The Chairman invited comments on the online deeds service which had been launched from 30 January 2020. It was acknowledged that there had been some initial teething problems relating especially to searches of the Probate registry but that the Registries Manager had been made aware and was addressing them. Members are aware the Nigel Lewney should be their first point of contact with further issues.

Members were generally complimentary about the service and were adjusting to new working practices. AM and GK raised concerns about some of the accuracy of the search results. They reported conducting identical searches but getting conflicting results at different times. Both were encouraged to report these items to Nigel with details so that he could investigate this further.

Ed Clague reported that he had been pleased to see the service being accessed well outside office hours.

Members asked about the scan on demand service. AgRG confirmed the turn-around time for these requests was 15 minutes. The Chairman commented that the Scan-on-demand service applied to deeds that were unindexed not just those which were indexed but not scanned on the system. The indices remained the paper ledgers.

Members commented that until all the deeds were scanned while this new system had merits it couldn't replace visits to the public kiosks and the Museum.

AgRG renewed the commitment of the Deed Registry to progress the back scanning of deeds. The deeds were scanned back to 1992 and around 200 a day were currently being scanned internally so we were on track to add almost a year every month at present.

Colin Falconer demonstrated the electronic indices of the 1850-1911 deeds held at the Museum on a private Beta. This was not currently live. Members thought this would be another useful data source.

6. Update on Land Registry system upgrade including notification of temporary service interruption 24-28 February 2020 (tbc). Working demonstration of the Public Kiosk Area application for searches of the Index Map Functionality.

The Chairman gave members notice that from 27th February to 6th March the Land Register (the Clare system) would be **read only**. This was to allow the migration of the title register to our new back office system.

Colin Falconer said that users would still be able to access Clare in the public counter area. [Post script Users are able to access the Clare system between 27 Feb - 6 March but it only shows the register as of 27 Feb 2020 and accordingly it is not an accurate representation of the live register from 27 February.].

The Chairman apologised for the inconvenience but stressed how transformative the new system would be so any inconvenience would be worth going through.

Members were provided with an introduction of the Public Kiosk portal view into the new system by Dylan Pycroft. This is the service that will replace the Clare terminals in the public search areas. Members were impressed by the functionality and the images but of course couldn't comment on usability and the amount of information that was behind the paywall compared to the present system. The Chairman was very enthusiastic and clear that it would, in due course be a powerful replacement for CLARE and facilitate a move to alternative modes of working.

The new system will be sending more email updates to advocates as their applications progress and will introduce a 7 day approval period for advocates at the near-end of the registration process for them to confirm a title before it is committed to the register. AM thought that that period would be too brief. The Chairman said that this was a new service that was currently not there at all so it is difficult to understand why 7 days would be seen as too short a period rather than a new and extra 7 days period. AM commented that the new approach in the fees order to minor information changes was also positive. The Chairman will consider the proposed period further.

JC asked how the system would be accessed from their offices. The Chairman said that was the next stage of this project. The platform would facilitate online inspection in due course -and perhaps an ability to access other government information but at present the upgrade was internal only and the only difference members would see was in the public area and in the format of the office copy outputs.

7. Online Land Registration applications. Proposals for online submission of registration forms with hard copies to follow.

The Chairman explained that during the time the system was down the Land Registry would still be accepting applications and would be maintaining a separate day list which would preserve the priority of applications. To this end a pilot system enabling online applications was announced. Proposals were circulated.

Members sought clarification about aspect of the proposals but were generally highly receptive and supportive of the written proposals.

AW asked about Application Receipts not currently stating that the application contains an application to register. The Chairman said that he thought this had possibly been overlooked in the current system build but he would review this.

The Land Registrar repeated his encouragement that users should keep an open mind on the new systems both in the Land Registry and the Deeds Registry. Both platforms will improve the way registered conveyancing works for the better but there will be inevitable changes that will need to be made. It may be some of these are unforeseeable at present. LRUG will continue to be a forum for discussing in future how the systems are working and how best they can be refined.

8. Legislation, Practice Directives & Guides:

- (a) Practice Directive 01/2020 Identification Evidence
- (b) Practice Guidance Note 01/2020 Identification Evidence

GK had provided comments on the practice directives which had been circulated prior to the meeting. Members understood the need for the registry to take appropriate steps to protect the integrity of the register from fraud. The Chairman will publish the Directives and Guidance Note shortly.

9. Staff of Government Division (Appeal Division) decision relating to Land Registry proceedings in Moon & Moon v Cleator 2DS 2019/11

Members noted this judgement.

10. Developments in the Land Registry

- (a) Pending Consultation on delivery of Exempt Information Regime. Domestic Abuse Bill. Closure of Register of Transactions.

The Chairman explained that the necessary secondary legislation to provide for an exemption information regime was in the process of drafting and would be consulted on in due course.

- (b) Review of Substantive Land Law 2019 update. Meeting with Land Registrar and CEO of Law Society on 4 October. Consultation in early stages of next year.

The Chairman acknowledged that this was now overdue but that with scarce resources he was prioritising the exempt information legislation over preparing the Land Law Reform paper.

- (c) Property Service Charge (Amendment) Bill 2019. Implications for freehold land.

The Chairman had circulated this Bill to members. Members commented that they were quite relaxed about this legislation noting that it was enabling legislation. They questioned if it was prudent to use Landlord and Tenant Act legislation to suit Freehold land but recalled that this was the recommendation made at Select Committee stage. Provided they would be consulted when the secondary legislation was brought forward Members didn't feel the need for any response now.

(d) Petition for Redress. Land Registrar called to give evidence to the Constitutional and Legal Affairs Select Committee.

The Land Registrar has been invited to give evidence on Adverse Possession, Limitation and Costs in Land proceedings to the Select Committee. A draft response had been circulated. GK raised the issue of Leasehold Reversions as possibly a 'successive interest' for the purposes of the Petition. IN commented that the evidence before that Committee so far had been very critical of the Legal Profession. The Land Registrar confirmed that the evidence painted the picture of a legal profession with now cost controls at all. The chairman will make the point to the committee that costs in Land Registration proceedings including hearings before the Registrar are covered by the Advocates (Conveyancing Fees) Regulations 2000 (SD675/00)

11. **Future agenda items and any other business.**

None

12. **Date and time of next meeting (provisional) 22 April 2020 at 11am.**

Meeting concluded at 2.10pm

Signed:

Nick Arculus. 22 April 2020