



## Land Registry User Group

### Minutes of Meeting

**Date :** Tuesday 7 March 2023  
**Time :** 11.00 am  
**Venue :** Ceremony Room, Deemsters Walk, Douglas

**Present:** James Lowery, Land Registrar, (Chairman)  
Aalish Watson, Cains Gordon Bell (AW)  
Alex Mitchell, MannBenham (AM)  
Alex Poole-Wilson, Cains (APW)  
Bernadette Arlow, Bridson Halsall (BA)  
Carly Snellgrove, Callin Wild (CS)  
Carol Young, M&P Legal (CY)  
Ed Clague, Central Registry (EC)  
Emily Wood, Bridson Halsall (EW)  
James Maska, Callin Wild (JM)  
Michael Miles, Corlett Bolton (MM)  
Nigel Lewney, Central Registry (NL)  
Ray Marley, Callin Wild (RM)  
Ruth Ledger, Pringle Law (RL)  
Shona Quayle, Long & Humphrey (SQ)  
Tracey Mister, Callin Wild (TM)  
Victoria Hodgson, MannBenham (VH)

### Apologies:

Martin Paterson, Paterson Property Law  
James Kennaugh, Paterson Property Law  
Jeanette Craster, MannBenham  
Katie Newton, MannBenham  
Lexi Dernie, Appleby (LD)

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

The Chairman welcomed users to the first meeting 2023. Receipt of apologies was noted from those unable to attend.

#### 2. **The minutes of the meeting of 14 September 2022.**

Comments on the draft minutes from the meeting held on the 14 September 2022 had been received from James Kennaugh and Graham Kirkpatrick, the draft having been amended accordingly. The amended minutes were approved.

3. **Matters arising or carried forward from meeting of 14 September 2022.**

- a) **Manx Utility burdens.** Following previous concerns raised by MU that its infrastructure was not referred to on some titles, the Chairman informed members that he has informed MU that it should make an application to amend a title if it considers it necessary. As the matter now lies with MU to determine how it wishes to progress, the Chairman said that he considers this matter as closed for the purposes of the Land Registry User Group and will remove it from future agendas.
- b) **Island Polygons.** The Chairman advised the group that the exercise to address the mapping issues relating to Island polygons had now been completed.

4. **Agenda items:**

- a) **Land Registry and Deeds Registry Fees. Brief presentation on the changes in the new Fees Order.**

The Chairman gave a presentation of the changes proposed under the new Fees Order [the presentation was subsequently circulated to the profession on 10 March 2023]. The new Fees Order, having been published on the Tynwald Register of Business on the 7 March, had been circulated to the Group just prior to the meeting.

RL said the intention to provide the owner-occupier rate for up to 75% of the value where a purchaser is being assisted by a family member is flawed as banks will only accept the parties being tenants-in-common so the maximum owner-occupier rate applicable can only be 50%. The Chairman said this had not been known when the policy was being formed.

APW asked if there could be a transitional period for transactions that have already been agreed and are in motion. The Chairman confirmed that there was no scope in the Order to allow a transitional period.

Members asked if applications that were still waiting for completed inhibitions and/or receipts to cancel could be submitted prior to the new fees coming into force. The Chairman said if an incomplete application is submitted, the lodging advocate will receive a defect notice with sufficient time to address the issue(s). The Chairman reiterated that he is always reasonable in his approach.

APW highlighted an error in the proposed Order, that being the word 'and' at the end of section 5(1)(ii). APW was of the view that it should read 'or'? The Chairman agreed it was an error, confirming the residency test should be 5(1)(a) 'or' 5(1)(b). The Chairman said he would seek to have the drafting error amended.

EC explained the main policy considerations behind the new Order are:

- 1. **support for owner-occupiers** – initial changes introduced in 2019 to assist Owner-Occupiers by removing fees for properties valued less than £190,000 (other than the minimum fee) had been considered positive. The assistance has been increased further.

2. **reduce some market pressures being driven by investors and buy-to-lets** - The proposed order increases charges for non-owner-occupiers and for the first time introduces an additional fee for non-resident buyers. This is intended to take some pressure out of the market driven by buy-to-let purchasers.
3. **Raise additional revenue** – subject to consistent transaction volumes, values and property types, it will be the intention to increase the overall revenue raised by the Central Registry, with additional revenue raised being directed to the General Reserves.

EC said a press release in respect of the new fees will be published within the next week. RL asked if the press release will be specific in terms of the fees, EC confirming it will be.

The Chairman added that a Practice Directive relating to the new fees will be issued very shortly.

SQ asked what fee will be payable where, on cessation of minority, an application is made to transfer from the name of the Trustees of the Trust. **[Post note answer:** An application in Form 27 (Application to be registered as owner on cessation of minority) attracts a £75 fee].

SQ sought clarification on how the existence of a Trust can be noted on a Title, in particular where a discretionary trust exists and individuals cannot be named. SQ asked the Registry to provide guidance to the profession, the guidance to cover when and where it may be appropriate to apply for an inhibition or restriction and in what terms. The Chairman agreed to look at this.

#### **b) Form 15, 16 and Receipt to Cancel continuing issues with Barclays Bank IOM.**

The Chairman said he had seen little improvement in relation to the time taken to obtain and submit documents in cases where Barclays are involved, however he asked members what their experiences are. SQ and CY said they had both seen some improvement.

AM asked when the Registry will be able to accept electronic signatures as she felt this would help. The Chairman expressed his view that the issue is not whether or not the Registry accept an electronic signature, it is simply the process.

#### **c) Positional Improvement project.**

NL informed the group that the team will be starting on the positional improvement exercise shortly. In advance, NL said the team will notify the profession which estate will be addressed first and will also share a copy of the letter that will be sent to the registered owners, together with an image showing how the land has been registered based on a development plan. Members agreed this would be helpful should they be contacted by any persons affected.

**d) Update/feedback from Members**

- **current position of residential market – volume, activity, prices, buyers**
- **current position of commercial market**
- **general outlook**

Members had seen a number of small-scale commercial deals fall through and the common view in terms of the residential market was that it had slowed right across the board. Residential sales were also being hindered as surveyors acting for banks were being very cautious in their valuations, thus making lending more difficult at a time when it is already harder for borrowers due to increasing interest rates.

Members were in agreement that there was no demand for property from persons based off-Island.

**e) Forms – would SMART forms assist conveyancers?**

NL asked members present if SMART forms would benefit them, the thought behind this being that the intelligence and controls built into the forms would help eradicate basic errors (for example, dates in the future, failing to answer a questions, etc). Members said they have their own template forms and therefore did not feel this would benefit them.

**f) What additional mapping layers would make the conveyancing process easier?**

Members felt the following mapping layers would make their job easier:

- Department of Infrastructure's Highways map with the adopted roads being clearly identified – if this mapping layer can be made available, it was considered essential that the information is correct and can be relied upon
- Manx Utilities services – wayleaves for electricity and water
- Conservation Notices
- Building Control, including details of applications and accompanying plans submitted (similar to the Planning website)
- A better and clearer scan of the Woods Atlas, the existing one not being legible in certain places

Members said stand-alone plans, rather than them being integrated into a central hub and made available as a mapping layer which the user can turn on and off, would not be an issue.

APW raised the matter of verges and the Department of Infrastructure ('DOI'). It is not uncommon for a grass verge outside a landowners land to have become de-adopted, the DOI stating it does not have budget to maintain the land, however if the landowner seeks to claim it the DOI object.

Concerns were also expressed about the accuracy and consistency of the results from a Highways search, the view being it is not uncommon to have the same search get different results.

NL suggested asking a representative from the DOI to attend the next meeting so that the above matters could be discussed. Members agreed this would be beneficial. NL suggested that before setting the next meeting up, the Registry will contact members for some real examples that have caused, or continue to cause, real issues so that these can be shared with DOI in advance of meeting.

**g) Searches – which take the longest to get a response from? / average time / other issues.**

Following attendance at the Housing and Communities Board Conveyancing Working Group, the Chairman explained that the length of time taken for a conveyance to be concluded is perceived to be an issue. At the Conveyancing Working Group, one of the attendees had said the delay in getting search results accounted for a large period of time. In light of this, the Chairman asked members if they were experiencing delays with searches and, if so, with which ones.

Members did not feel that the conveyancing process takes too long, and in terms of search results members were satisfied that these were turned around in a timely manner. Rather than searches, members felt the main delays in the conveyancing process are as a result of properties being incorrectly advertised or people trying to sell unmarketable properties (respective examples being selling a house with a room described as a bedroom where in fact it is only an attic or where an extension has been added without the appropriate approvals).

The main issue raised regarding searches again related to Highway searches, these taking approximately 2 weeks to receive a response – Members said the process was extremely bureaucratic, with members restricted to adding only 2 colours to any map submitted with an application. In the event that more than 2 colours are used, the map is returned.

The Chairman felt the ideal solution would be a central hub where all searches are undertaken from, meaning in effect an applicant would only contact Government once and make one payment rather than having to send individual requests to various different Departments with accompanying cheques. Members agreed this would be a major improvement.

APW mentioned the poor accuracy of some original CLARE plans, adding that these sometimes cause issues that can be difficult to address.

**h) Feedback – what we do well and what we need to improve on.**

The Chairman asked members for feedback on the Registry, be that negative or positive.

Members felt the Register would benefit from the Registry policing consistency. The Chairman reminded members that the responsibility to sign-off an application sits squarely with the lodging advocate who, before submitting an application, has the benefit of both seeing what has been registered in and around the land they are dealing with but more importantly the bigger picture in terms of the transaction in hand.

APW provided feedback that the fees for inter-company transfers could be made fairer. NL said he was aware APW had raised this at the January 2022 meeting, and NL had subsequently forwarded the feedback prior to the new Fees Order being considered and drafted, however for reasons unknown this had not been acted upon.

6. **Any other business**

The Chairman informed members that where an application has been rejected, the expectation is that the application should be reviewed, any defects addressed and the application freshly signed-off again and dated before it is re-submitted to the Registry. The Chairman explained that there had been a couple of occasions recently where the Registry had been presented with the exact same papers as previously rejected, this despite in one case the application having been rejected more than 2 years previously.

7. **Date and time of next meeting.**

The Chairman said he would look to arrange the next meeting towards the end of June 2023.