

GD No. 2016/0050



**Isle of Man**  
**Government**

*Reiltys Ellan Vannin*

**Council of Ministers**

**Response to Report of the Tynwald Select  
Committee on Registration of Land**

**June 2016**

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**To the Hon Clare Christian MLC, President of Tynwald and the Hon Council and  
Keys Assembled**

**Forward by the Minister of Economic Development**

The Council of Ministers thanks the Tynwald Select Committee for its report on the Registration of Land, and is grateful for its views on this issue. My Department has prepared this response to the report.

The Committee recommends introducing legislation requiring notice of registration to be served on interested parties. As the evidence provided to the Committee makes clear, however, the issues behind this are complex and the Department requires more time to consider those issues.

The Department does however commit to reviewing the recommendations and legislation further and laying before Tynwald a report for consideration at its December 2016 sitting.

**Hon Laurence Skelly MHK  
Minister for Economic Development**

## **General Response to the Tynwald Select Committee Report**

1. The Tynwald Select Committee was asked to consider the Petition for Redress of John Ffynlo Craine and Annie Andrée Jeannine Hommet presented at St John's on 6<sup>th</sup> July 2015. The Committee has considered whether the case raised by the petitioners has any wider implications for the land registration system, in particular the specific proposal by the petitioners for reform of the legislation:

that the Land Registration Act 1982 and/or the Land Registration Rules 2000 be amended so that applications for the first registration of property are advertised in a similar manner to planning applications and that a more efficient and equitable complaint handling procedure be established regarding such first registrations.

2. In the Committee's report, the objections of the HM Acting Attorney General and the Land Registry to the proposals are set out.
3. Despite the difficulties raised the Committee recommends that legislation be brought forward so that, in certain cases of land registration, notice is served on interested parties in the same way as a planning application, before registration takes place.
4. The Department is grateful for the perspective that the Committee has brought to the issue of the notification of interested parties and land registration. However the Department has not yet come to a final view on the issue and wishes to have more time to consider the matter.
5. Therefore, though the Department is content to consider the matter further, it is not yet possible to commit to bringing legislation forward as the Committee recommends. Though the Committee acknowledges that it would expect to see further consultation on the subject if its recommendations are approved, it would normally be appropriate for consultation to be carried out before any commitment to legislation is made. The Department therefore wishes to amend the recommendations to allow further consideration of the issues, including informal consultation with stakeholders, and for a report to be laid before Tynwald for consideration at the December 2016 sitting.

## Response to the Committee's Recommendations

<b>Recommendation 1</b>	That legislation be introduced to require that before any land is voluntarily registered, notice should be served on any interested parties who can be identified and advertised on the land concerned in the same way as a planning application.
<b>Recommendation 2</b>	That legislation be introduced to require that where any land is subject to compulsory registration triggered by a transaction where the parties are represented by the same advocate, notice should be served on any interested parties who can be identified and advertised on the land concerned, in the same way as a planning application.
<b>Response</b>	<p>The Department of Economic Development thanks the Committee for its report and recommendations.</p> <p>However the subject was a complex matter and as is made clear in the evidence to the report, both HM Attorney General and the Land Registry have raised issues with these proposed changes.</p> <p>The Department therefore considers that, though it has no objection to further consideration of the recommendations put forward by the Committee, more time is needed to assess the case for introducing legislation to require that notice be served on interested parties as recommended, including informal consultation with stakeholders, before it can commit to bringing forward the proposed changes.</p> <p>The Department therefore intends to submit amendments to the recommendations so that they are worded as follows:</p> <p><i>Recommendation 1</i>  <i>That the Minister for Economic Development considers the case for the introduction of legislation to require that before any land is voluntarily registered, notice should be served on any interested parties who can be identified and advertised on the land concerned in the same way as a planning application, and lays before Tynwald a report for consideration at its December 2016 sitting.</i></p> <p><i>Recommendation 2</i>  <i>That the Minister for Economic Development considers the case for the introduction of legislation to require that where any land is subject to compulsory registration triggered by a transaction where the parties are represented by the same advocate, notice should be served on any interested parties who can be identified and advertised on any land concerned in the same way as a planning application, and lays before Tynwald a report for consideration at its December 2016 sitting.</i></p>