

SCHEDULES

SCHEDULE 5

Section 92

LAND REGISTRY NETWORK

Access to network

- 1 (1) A person who is not a member of the land registry may only have access to a land registry network under authority conferred by means of an agreement with the registrar.
- (2) An agreement for the purposes of sub-paragraph (1) (“network access agreement”) may authorise access for—
 - (a) the communication, posting or retrieval of information,
 - (b) the making of changes to the register of title or cautions register,
 - (c) the issue of official search certificates,
 - (d) the issue of official copies, or
 - (e) such other conveyancing purposes as the registrar thinks fit.
- (3) Rules may regulate the use of network access agreements to confer authority to carry out functions of the registrar.
- (4) The registrar must, on application, enter into a network access agreement with the applicant if the applicant meets such criteria as rules may provide.

Terms of access

- 2 (1) The terms on which access to a land registry network is authorised shall be such as the registrar thinks fit, subject to sub-paragraphs (3) and (4), and may, in particular, include charges for access.
- (2) The power under sub-paragraph (1) may be used, not only for the purpose of regulating the use of the network, but also for—
 - (a) securing that the person granted access uses the network to carry on such qualifying transactions as may be specified in, or under, the agreement,
 - (b) such other purpose relating to the carrying on of qualifying transactions as rules may provide, or
 - (c) enabling network transactions to be monitored.
- (3) It shall be a condition of a network access agreement which enables the person granted access to use the network to carry on qualifying transactions that he must comply with any rules for the time being in force under paragraph 5.
- (4) Rules may regulate the terms on which access to a land registry network is authorised.

Status: This is the original version (as it was originally enacted).

Termination of access

- 3 (1) The person granted access by a network access agreement may terminate the agreement at any time by notice to the registrar.
- (2) Rules may make provision about the termination of a network access agreement by the registrar and may, in particular, make provision about—
- (a) the grounds of termination,
 - (b) the procedure to be followed in relation to termination, and
 - (c) the suspension of termination pending appeal.
- (3) Without prejudice to the generality of sub-paragraph (2)(a), rules under that provision may authorise the registrar to terminate a network access agreement if the person granted access—
- (a) fails to comply with the terms of the agreement,
 - (b) ceases to be a person with whom the registrar would be required to enter into a network access agreement conferring the authority which the agreement confers, or
 - (c) does not meet such conditions as the rules may provide.

Appeals

- 4 (1) A person who is aggrieved by a decision of the registrar with respect to entry into, or termination of, a network access agreement may appeal against the decision to the adjudicator.
- (2) On determining an appeal under this paragraph, the adjudicator may give such directions as he considers appropriate to give effect to his determination.
- (3) Rules may make provision about appeals under this paragraph.

Network transaction rules

- 5 (1) Rules may make provision about how to go about network transactions.
- (2) Rules under sub-paragraph (1) may, in particular, make provision about dealings with the land registry, including provision about—
- (a) the procedure to be followed, and
 - (b) the supply of information (including information about unregistered interests).

Overriding nature of network access obligations

- 6 To the extent that an obligation not owed under a network access agreement conflicts with an obligation owed under such an agreement by the person granted access, the obligation not owed under the agreement is discharged.

Do-it-yourself conveyancing

- 7 (1) If there is a land registry network, the registrar has a duty to provide such assistance as he thinks appropriate for the purpose of enabling persons engaged in qualifying transactions who wish to do their own conveyancing to do so by means of the network.

- (2) The duty under sub-paragraph (1) does not extend to the provision of legal advice.

Presumption of authority

- 8 Where—
- (a) a person who is authorised under a network access agreement to do so uses the network for the making of a disposition or contract, and
 - (b) the document which purports to effect the disposition or to be the contract—
 - (i) purports to be authenticated by him as agent, and
 - (ii) contains a statement to the effect that he is acting under the authority of his principal,he shall be deemed, in favour of any other party, to be so acting.

Management of network transactions

- 9 (1) The registrar may use monitoring information for the purpose of managing network transactions and may, in particular, disclose such information to persons authorised to use the network, and authorise the further disclosure of information so disclosed, if he considers it is necessary or desirable to do so.
- (2) The registrar may delegate his functions under sub-paragraph (1), subject to such conditions as he thinks fit.
- (3) In sub-paragraph (1), “monitoring information” means information provided in pursuance of provision in a network access agreement included under paragraph 2(2)(c).

Supplementary

- 10 The registrar may provide, or arrange for the provision of, education and training in relation to the use of a land registry network.
- 11 (1) Power to make rules under paragraph 1, 2 or 3 is exercisable by the Lord Chancellor.
- (2) Before making such rules, the Lord Chancellor must consult such persons as he considers appropriate.
- (3) In making rules under paragraph 1 or 3(2)(a), the Lord Chancellor must have regard, in particular, to the need to secure—
- (a) the confidentiality of private information kept on the network,
 - (b) competence in relation to the use of the network (in particular for the purpose of making changes), and
 - (c) the adequate insurance of potential liabilities in connection with use of the network.
- 12 In this Schedule—
- “land registry network” means a network provided under section 92(1);
 - “network access agreement” has the meaning given by paragraph 1(2);
 - “network transaction” means a transaction carried on by means of a land registry network;
 - “qualifying transaction” means a transaction which—
 - (a) involves registration, and

Status: This is the original version (as it was originally enacted).

(b) is capable of being effected electronically.