
STATUTORY INSTRUMENTS

2008 No. 1750

The Land Registration (Electronic Conveyancing) Rules 2008

Citation and commencement

1. These rules may be cited as the Land Registration (Electronic Conveyancing) Rules 2008 and shall come into force on 4 August 2008.

Interpretation

2.—(1) In these rules—

“Borrower” means the person who charges the registered estate,

“E-MD reference” means a reference supplied by the registrar to the Lender which enables all or part of the wording of an electronic legal charge to be generated automatically,

“electronic legal charge” means a charge within rule 3(1),

“land registry network” means a network provided under section 92(1) of the Act,

“Lender” means the person to whom the registered estate is charged, and

“the principal rules” means the Land Registration Rules 2003(1).

(2) Expressions used in these rules have the meaning that they bear in the principal rules, unless the contrary intention appears.

(3) In Schedule 2, a reference to a rule by number is a reference to the rule so numbered in the principal rules.

Electronic legal charges

3.—(1) Subject to paragraphs (2) to (7), the grant of a legal charge of the whole of the registered estate in a single registered title is a disposition within section 91(2) of the Act.

(2) Paragraph (1) does not apply to—

(a) a disposition to which rule 38 of the principal rules applies,

(b) the grant of a legal charge by a body corporate, whether the body corporate is the Borrower or a Joint Borrower, or

(c) a charge which is authenticated by a person other than the Borrower.

(3) Paragraph (1) only applies if at the time a person authenticates the charge as Borrower or Joint Borrower—

(a) that person is entered in the register as proprietor or joint proprietor of the registered estate that is charged, or

(b) there is entered in the day list notice of an application to register that person as proprietor or joint proprietor of the registered estate that is charged.

(4) Paragraph (1) only applies if the Borrower authenticates the charge personally.

- (5) Paragraph (1) only applies if—
- (a) the charge is prepared using a procedure for doing so permitted by the land registry network, and
 - (b) each electronic signature which the charge has, and the certification of each electronic signature, are in accordance with the provisions of a network access agreement.
- (6) A procedure within paragraph (5)(a) may, whether or not it is the only procedure within that sub-paragraph, require all or any of the provisions specified in Schedule 1 to be drafted automatically using an E-MD reference.
- (7) Schedule 1 (which makes provision about the contents of an electronic legal charge) has effect.
- (8) In this rule —
- “Joint Borrower” means, where the Borrower comprises two or more persons, one of those persons, and
 - “joint proprietor” means, where the proprietor of a registered estate comprises two or more persons, one of those persons.

Registrar’s acknowledgement of time and date that an electronic legal charge took effect

4. Following receipt of notification, in accordance with the provisions in the charge required by paragraph 1(b) and (c) of Schedule 1, that the charge is to take effect, the registrar must send to the person who notified the registrar an acknowledgement stating the time and date when the notification was received.

Amendments to the principal rules

5. The principal rules are amended as set out in Part 1 of Schedule 2.

Disapplication of certain provisions in the principal rules

6. Provisions in the principal rules are disapplied as set out in Part 2 of Schedule 2.

Signed by authority of the Lord Chancellor

2nd July 2008

Michael Wills
Minister of State
Ministry of Justice