

SCHEDULE 1

AMENDMENTS TO PARTS 2 TO 10 AND 13 TO 16 OF THE PRINCIPAL RULES

New rules 54A to D

11. Before rule 55 insert—

“Electronic dispositions

54A. A disposition of a registered estate or charge which is a registrable disposition is a disposition falling within section 91(2) of the Act (electronic dispositions).

54B. The following are conditions to be met for the purpose of section 91(3)(d) of the Act—

- (a) the document purports to effect a kind of disposition which is specified in a notice given under rule 54C,
- (b) the document, each electronic signature which the document has and the certification of each electronic signature are in accordance with any requirements in such a notice, and,
- (c) such other conditions contained in the notice given under rule 54C as are appropriate to a document of that type.

54C.—(1) If the registrar is satisfied that adequate arrangements have been made or will be in place for dealing with documents in electronic form that purport to effect a disposition of a kind falling within rule 54A, he may, in such manner as he thinks appropriate, give notice publicising the fact.

(2) Subject to paragraphs (3), (4) and (5), a notice given under paragraph (1) will be current from the time specified in the notice until the time, if any, specified in the notice or, if no expiry date is specified in the notice, indefinitely.

(3) Subject to paragraph (6), a notice given under paragraph (1) may from time to time be varied, suspended, withdrawn, renewed or replaced by a further notice.

(4) Subject to paragraph (6), if and so long as owing to the breakdown or other unavailability of facilities or data involved in giving effect to the arrangements referred to in paragraph (1), such arrangements cease, in whole or part, to be effective, the notice shall cease, to the necessary extent, to be treated as current.

(5) Paragraph (4) will apply despite the absence of a variation, suspension or withdrawal of the notice under paragraph (3).

(6) On the occurrence of any of the events mentioned in paragraphs (3) and (4), if a document in electronic form has been prepared and has taken effect, but the disposition effected by it has not been registered, the registrar must make such arrangements as are appropriate for that disposition to be registered.

54D. The notice referred to in rule 54C—

- (a) must specify the kind of dispositions to which it relates, and may specify only one kind of disposition or more than one kind of disposition referred to in rule 54A,
- (b) may make exceptions and limitations to a specified kind of disposition,
- (c) may apply different conditions for each specified kind of disposition.”