

SCHEDULE

SCHEDULE 1A TO THE LAND REGISTRATION ACT (Northern Ireland) 1970

“SCHEDULE 1A

ELECTRONIC REGISTRATION

Interpretation of this Schedule

1. In this Schedule—

“digital signature” means data in electronic form which is incorporated into or logically associated with an electronic document which serves as a method of authentication and which is—

- (a) uniquely linked to the signatory;
- (b) capable of identifying the signatory;
- (c) created using a signature creation device that the signatory can maintain under the signatory’s sole control; and
- (d) linked to the data to which it relates in such a manner that any subsequent change of data is detectable;

“electronic document” means a document created as an electronic communication within the Land Registry computer system;

“the Land Registry computer system” means the computer system operated by the Registry to enable creation of electronic documents and the electronic generation and communication of applications for registration of an estate or interest in land and automated registration of any such estate or interest;

“signatory” means a person who holds a signature creation device and acts either on his own behalf or on behalf of the person he represents;

“signature creation data” means unique data (including, but not limited to, codes or private cryptographic keys) which are used by the signatory to create an electronic signature;

“signature creation device” means configured software or hardware used to implement the signature creation data.

Validity of electronic documents

2. An electronic document which is valid in respect of the formalities of execution detailed in paragraph 3 shall be valid for the creation, transfer, variation or extinction of an estate or interest in land.

Formalities of execution of electronic documents

3.—(1) An electronic document shall be valid in respect of the formalities of execution if that document has been authenticated by the person executing the document, or if there is more than one such person by each person, in accordance with sub-paragraph (2).

(2) An electronic document is authenticated if the digital signature of each person by whom the document purports to be authenticated—

- (a) is incorporated into or logically associated with the electronic document;
- (b) was created by the signatory by whom it purports to have been created;

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- (c) was created in accordance with such conditions as may be set out in directions given by the Registrar; and
 - (d) is certified in accordance with the provisions in sub-paragraph (4) and such conditions as may be set out in directions given by the Registrar.
- (3) A direction given by the Registrar under sub-paragraph (2)—
- (a) shall be made after consultation with the Law Society of Northern Ireland;
 - (b) shall be published in such manner as the Registrar deems appropriate for the purpose of bringing it to the attention of the persons affected by it;
 - (c) may include incidental, supplementary, saving and transitional provisions; and
 - (d) may be varied or revoked by a subsequent direction.
- (4) For the purpose of this Schedule a digital signature incorporated into or associated with an electronic document is certified by any person if that person (whether at the time of or after the creation of the electronic document) has made a statement confirming that—
- (a) the signature;
 - (b) a means of producing, communicating or verifying the signature; or
 - (c) a procedure applied to the signature,
- is (either alone or in combination with other factors) a valid means of establishing the authenticity of the document, the integrity of the document or both.

Equivalent treatment of electronic documents

4.—(1) An electronic document authenticated in accordance with paragraph 3(2) is to be regarded for the purposes of any statutory provision as having the same effect as if the electronic document were a deed or a written document.

(2) Where a person executes an electronic document in more than one capacity, authentication of that document by that person in accordance with this Act shall be sufficient to bind that person in all such capacities, unless a contrary intention appears from the document.

Presumption as to the authentication of electronic documents

5. Where an electronic document purports to be authenticated in accordance with the provisions of this Schedule the Registrar shall be entitled to presume that such electronic document was authenticated by the person by whom it purports to be authenticated.”