
STATUTORY INSTRUMENTS

2008 No. 1750

The Land Registration (Electronic Conveyancing) Rules 2008

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.