



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 8

#### ELECTRONIC CONVEYANCING

#### **91 Electronic dispositions: formalities**

- (1) This section applies to a document in electronic form where—
  - (a) the document purports to effect a disposition which falls within subsection (2), and
  - (b) the conditions in subsection (3) are met.
- (2) A disposition falls within this subsection if it is—
  - (a) a disposition of a registered estate or charge,
  - (b) a disposition of an interest which is the subject of a notice in the register, or
  - (c) a disposition which triggers the requirement of registration,which is of a kind specified by rules.
- (3) The conditions referred to above are that—
  - (a) the document makes provision for the time and date when it takes effect,
  - (b) the document has the electronic signature of each person by whom it purports to be authenticated,
  - (c) each electronic signature is certified, and
  - (d) such other conditions as rules may provide are met.
- (4) A document to which this section applies is to be regarded as—
  - (a) in writing, and
  - (b) signed by each individual, and sealed by each corporation, whose electronic signature it has.
- (5) A document to which this section applies is to be regarded for the purposes of any enactment as a deed.

*Status: Point in time view as at 09/11/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Part 8. (See end of Document for details)*

- (6) If a document to which this section applies is authenticated by a person as agent, it is to be regarded for the purposes of any enactment as authenticated by him under the written authority of his principal.
- (7) If notice of an assignment made by means of a document to which this section applies is given in electronic form in accordance with rules, it is to be regarded for the purposes of any enactment as given in writing.
- (8) The right conferred by section 75 of the Law of Property Act 1925 (c. 20) (purchaser's right to have the execution of a conveyance attested) does not apply to a document to which this section applies.
- [<sup>F1</sup>(9) In relation to the execution of a document by a company in accordance with section 44(2) of the Companies Act 2006 (signature on behalf of the company)—
- (a) subsection (4) above has effect in relation to paragraph (a) of that provision (signature by two authorised signatories) but not paragraph (b) (signature by director in presence of witness);
  - (b) the other provisions of section 44 apply accordingly (the references to a document purporting to be signed in accordance with subsection (2) of that section being read as references to its purporting to be authenticated in accordance with this section);
  - (c) where subsection (4) above has effect in relation to a person signing on behalf of more than one company, the requirement of subsection (6) of that section is treated as met if the document specifies the different capacities in which the person signs. ]
- [<sup>F2</sup>(9A) If subsection (3) of section 29C of the Industrial and Provident Societies Act 1965 (execution of documents) applies to a document because of subsection (4) above, subsection (5) of that section (presumption of due execution) shall have effect in relation to the document with the substitution of “authenticated” for “signed”.]
- (10) In this section, references to an electronic signature and to the certification of such a signature are to be read in accordance with section 7(2) and (3) of the Electronic Communications Act 2000 (c. 7).

#### Textual Amendments

**F1** S. 91(9) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), arts. 2(2), 3(1)(b), **Sch. 1 para. 224** (with arts. 6, 11, 12)

**F2** S. 91(9A) inserted (20.10.2003) by [Co-operatives and Community Benefit Societies Act 2003 \(c. 15\)](#), **ss. 5(8), 7**; S.I. 2003/2678, **art. 2**

## 92 Land registry network

- (1) The registrar may provide, or arrange for the provision of, an electronic communications network for use for such purposes as he thinks fit relating to registration or the carrying on of transactions which—
- (a) involve registration, and
  - (b) are capable of being effected electronically.
- (2) Schedule 5 (which makes provision in connection with a network provided under subsection (1) and transactions carried on by means of such a network) has effect.

*Status: Point in time view as at 09/11/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Part 8. (See end of Document for details)*

### 93 Power to require simultaneous registration

- (1) This section applies to a disposition of—
  - (a) a registered estate or charge, or
  - (b) an interest which is the subject of a notice in the register,where the disposition is of a description specified by rules.
- (2) A disposition to which this section applies, or a contract to make such a disposition, only has effect if it is made by means of a document in electronic form and if, when the document purports to take effect—
  - (a) it is electronically communicated to the registrar, and
  - (b) the relevant registration requirements are met.
- (3) For the purposes of subsection (2)(b), the relevant registration requirements are—
  - (a) in the case of a registrable disposition, the requirements under Schedule 2, and
  - (b) in the case of any other disposition, or a contract, such requirements as rules may provide.
- (4) Section 27(1) does not apply to a disposition to which this section applies.
- (5) Before making rules under this section the [<sup>F3</sup>Secretary of State] must consult such persons as he considers appropriate.
- (6) In this section, “disposition”, in relation to a registered charge, includes postponement.

#### Textual Amendments

- F3** Words in s. 93(5) substituted (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 1(2), **Sch. 2 para. 4(2)**

### 94 Electronic settlement

The registrar may take such steps as he thinks fit for the purpose of securing the provision of a system of electronic settlement in relation to transactions involving registration.

### 95 Supplementary

Rules may—

- (a) make provision about the communication of documents in electronic form to the registrar;
- (b) make provision about the electronic storage of documents communicated to the registrar in electronic form.

**Status:**

Point in time view as at 09/11/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Registration Act 2002, Part 8.