

2026 No.0000

**LAND REGISTRATION, STATUTORY CHARGES,
GROUND RENTS, REGISTRY OF DEEDS AND
ELECTRONIC COMMUNICATION**

**The Land Registration, Statutory Charges, Ground Rents and
Registry of Deeds (Electronic Communications) Order
(Northern Ireland) 2026**

Made - - - - 2026

Coming into operation in accordance with article 1

CONTENTS

PART 1

INTRODUCTION

1. Citation and commencement

PART 2

**ELECTRONIC COMMUNICATION WITH THE REGISTRAR OF TITLES
(AMENDMENT OF PRIMARY LEGISLATION)**

Amendment of the Land Registration Act (Northern Ireland) 1970

2. Amendment of the Land Registration Act (Northern Ireland) 1970
3. Amendment of section 32
4. Amendment of section 32A
5. Insertion of section 92A
6. Insertion of section 92B
7. Insertion of section 92C
8. Amendment of Schedule 1
9. Amendment of Schedule 1A
10. Consequential amendments

Amendment of the Ground Rents Act (Northern Ireland) 2001

11. Amendment of the Ground Rents Act (Northern Ireland) 2001
12. Insertion of section 4A
13. Insertion of section 5A
14. Insertion of section 5B
15. Insertion of section 6A
16. Insertion of section 6B
17. Insertion of section 7A

18. Insertion of section 23A
19. Consequential amendments
Amendment of the Property (Northern Ireland) Order 1997
20. Amendment of the Property (Northern Ireland) Order 1997
21. Insertion of Article 35ZA
22. Insertion of Article 35B
23. Insertion of Article 35C
24. Insertion of Article 35D
25. Insertion of Article 42A
26. Consequential amendments

PART 3

ELECTRONIC COMMUNICATION WITH THE REGISTRAR OF TITLES (AMENDMENT OF SECONDARY LEGISLATION)

Amendment of the Land Registration Rules (Northern Ireland) 1994

27. Amendment of the Land Registration Rules (Northern Ireland) 1994
28. Amendment of rule 2
29. Insertion of rule 2A
30. Insertion of rule 2B
31. Insertion of rule 191A
32. Amendment of miscellaneous rules

PART 4

ELECTRONIC COMMUNICATION WITH THE REGISTRAR OF DEEDS (AMENDMENT OF PRIMARY & SECONDARY LEGISLATION)

Amendment of the Registration of Deeds Act (Northern Ireland) 1970

33. Amendment of the Registration of Deeds Act (Northern Ireland) 1970
34. Insertion of section 16A
35. Amendment of section 6
36. Amendment of section 9
37. Amendment of section 13
38. Amendment of section 20
- Amendment of the Registration of Deeds Regulations (Northern Ireland) 1997*
39. Amendment of the Registration of Deeds Regulations (Northern Ireland) 1997
40. Insertion of regulation 4A
41. Further amendment of Part 1 of the Regulations
42. Amendment of Parts 3 and 4 of the Regulations
43. Amendment of Part 5 of the Regulations

Amendment of the Property (Discharge of Mortgage by Receipt) (Northern Ireland) Order 1983

44. Amendment of the Property (Discharge of Mortgage by Receipt) (Northern Ireland) Order 1983

The Department of Finance(a), in exercise of the powers conferred by sections 1 and 2 of the Electronic Communications Act (Northern Ireland) 2001(b), makes the following Order.

(a) The Department of Finance and Personnel was renamed the Department of Finance by section 1(4) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (c.5) (N.I.)

(b) 2001 c. 9 (N.I.)

In accordance with section 1(3) of that Act it considers that authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases.

PART 1

INTRODUCTION

Citation and commencement

1.—(1) This Order may be cited as the Land Registration, Statutory Charges, Ground Rents and Registry of Deeds (Electronic Communications) Order (Northern Ireland) 2026.

(2) This article comes into operation on the making of this Order.

(3) The other provisions of this Order come into operation on such day or days as the Department of Finance may by order appoint.

(4) An order under paragraph (3)—

- (a) may make such incidental, supplementary, transitory, transitional or saving provision as the Department of Finance considers appropriate;
- (b) is a statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

PART 2

ELECTRONIC COMMUNICATION WITH THE REGISTRAR OF TITLES (AMENDMENT OF PRIMARY LEGISLATION)

Amendment of the Land Registration Act (Northern Ireland) 1970

Amendment of the Land Registration Act (Northern Ireland) 1970

2. The Land Registration Act (Northern Ireland) 1970^(a) is amended in accordance with articles 3 to 10.

Amendment of section 32

3.—(1) Section 32 is amended in accordance with paragraphs (2) to (6).

(2) Omit subsection (3).

(3) In subsection (4)—

- (a) for “and section 32A” substitute “, section 32A and Schedule 1A”;
- (b) at the end, as a new sentence, insert—

“(But this is subject to subsection (4A).)”.

(4) After subsection (4), insert—

“(4A) A direction under subsection (4) may provide that a dealing is an “authorised dealing” for the purposes of this section only (with the result that the dealing is, therefore, not an “authorised dealing” for the purposes of section 32A and Schedule 1A).

(4B) Subsections (4C) and (4D) apply for the purposes of an application for—

^(a) 1970 c. 18 (N.I.) relevant amending Order S.R. 2011 No.158 (N.I.)

- (a) first registration; or
- (b) registration of a dealing with registered land,

that is made in respect of an authorised dealing with that land.

(4C) Where, for the purposes of or otherwise in connection with the application, a document is required or permitted, by virtue of any statutory provision, to be submitted to the Registrar, the document may be submitted in electronic form by electronic communication (including where, apart from this section, the document may only be submitted in a form other than electronic form or by means other than electronic communication).

(4D) Where, for the purposes of or otherwise in connection with the application, a copy of a document is required or permitted, by virtue of any statutory provision other than subsection (4G), to be submitted to the Registrar—

- (a) an electronic copy of the document may be submitted by electronic communication (including where, apart from this section, a copy of the document must be submitted otherwise than as an electronic copy or by means other than electronic communication);
- (b) an electronic copy of a copy of the document may be submitted by electronic communication.

(4E) Where an electronic copy of a copy of a document may be submitted by virtue of subsection (4D)(b), the submission of an electronic copy of a copy of a document is to be treated as the submission of a copy of the document (and any statutory provision or rule of law requiring a copy of the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of the electronic copy of a copy of the document by electronic communication under this section).

(4F) Where—

- (a) by virtue of subsection (4D), an electronic copy of a document or an electronic copy of a copy of a document, as the case may be, has already been submitted to the Registrar, and
- (b) by virtue of any statutory provision, the Registrar requires a copy of the document to be submitted again and otherwise than by submission of an electronic copy of the document or an electronic copy of a copy of the document, as the case may be,

an electronic copy of the document or an electronic copy of a copy of the document, as the case may be, may not be submitted.

(4G) A direction under subsection (4) may provide that, for the purposes of an application for first registration, or registration of a dealing with registered land, that is made in respect of an authorised dealing with that land—

- (a) a document specified in the direction may not be submitted in electronic form by electronic communication by virtue of subsection (4C), but that an electronic copy of the document may be submitted to the Registrar by electronic communication;
- (b) with respect to a document that may be submitted in electronic form by electronic communication by virtue of subsection (4C), there is to be the option of submitting an electronic copy of the document to the Registrar by electronic communication instead.

(4H) Where an electronic copy of a document may be submitted by virtue of subsection (4G), the submission of an electronic copy of a document is to be treated as the submission of the document (and any statutory provision or rule of law requiring the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of the document by electronic communication under this section).

(4I) Where a direction under subsection (4) makes provision by virtue of subsection (4G) and—

- (a) by virtue of that subsection, an electronic copy of a document has already been submitted to the Registrar, and
- (b) by virtue of any statutory provision, the Registrar requires the document to be submitted again and otherwise than by submission of an electronic copy of the document,

an electronic copy of the document may not be submitted.”.

(5) In subsection (5), after paragraph (b), insert—

- “(ba) may include conditions for the submission of a document in electronic form, an electronic copy of a document, or an electronic copy of a copy of a document by electronic communication by virtue of subsection (4C), (4D) or (4G) which, if not satisfied, entitle the Registrar to regard the document, copy, or copy of a copy as having not been submitted;
- (bb) may provide that subsection (4C) does not apply in respect of a document specified in the direction;
- (bc) may provide that subsection (4D) does not apply in respect of a copy of a document specified in the direction;”.

(6) After subsection (5), insert—

“(6) In this section, references to the submission of a document include—

- (a) the making of a request;
- (b) the giving of a concurrence;
- (c) the communication of agreement;
- (d) the giving of consent;
- (e) the making of an objection;
- (f) any other like action.

(But this is without prejudice to the meaning of “document” elsewhere in this Act.)

(7) Subsections (4A) and (5)(bb) and (bc) are without prejudice to the application of section 17(5) of the Interpretation Act (Northern Ireland) 1954, whether to this section or to any other provision of this Act.

(8) This section is without prejudice to any statutory provision by virtue of which—

- (a) a document in electronic form;
- (b) an electronic copy of a document,

may be submitted to the Registrar by electronic communication for the purposes of submitting a document to the Registrar for the purposes of or otherwise in connection with an application referred to in subsection (4B)(a) or (b).

(9) This section is without prejudice to any statutory provision by virtue of which—

- (a) an electronic copy of a document;
- (b) an electronic copy of a copy of a document,

may be submitted to the Registrar by electronic communication for the purposes of submitting a copy of a document to the Registrar for the purposes of or otherwise in connection with an application referred to in subsection (4B)(a) or (b).”.

Amendment of section 32A

4. In section 32A, after “statutory provision” insert “or rule of law”.

Insertion of section 92A

5. After section 92, insert—

“PART 10A

ELECTRONIC COMMUNICATION

Electronic communication with the Registrar

92A.—(1) Subsections (2) and (4) apply to any case, other than an application for the first registration or the registration of a dealing with registered land, for the purposes of which, or in connection with which, a document or a copy of a document is required or permitted to be submitted, by virtue of any statutory provision, to the Registrar.

(2) Where the Registrar makes an authorisation in respect of a document required or permitted, by virtue of any statutory provision, to be submitted to the Registrar for the purposes of or otherwise in connection with a case to which this subsection applies—

- (a) the document may be submitted in electronic form by electronic communication (including where, apart from this section, the document may only be submitted in a form other than electronic form or by means other than electronic communication);
- (b) an electronic copy of the document may be submitted by electronic communication.

(3) Where the Registrar authorises the submission of an electronic copy of a document by virtue of subsection (2)(b), the submission of a copy is to be treated as the submission of the document (and any statutory provision or rule of law requiring the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of the document by electronic communication under this section).

(4) Where the Registrar makes an authorisation in respect of a copy of a document required or permitted, by virtue of any statutory provision other than subsection (2)(b), to be submitted to the Registrar for the purposes of or otherwise in connection with a case to which this subsection applies—

- (a) an electronic copy of the document may be submitted by electronic communication (including where, apart from this section, a copy of the document must be submitted otherwise than as an electronic copy or by means other than electronic communication);
- (b) an electronic copy of a copy of the document may be submitted by electronic communication.

(5) Where the Registrar authorises the submission of an electronic copy of a copy of a document by virtue of subsection (4)(b), the submission of a copy of a copy is to be treated as the submission of a copy of the document (and any statutory provision or rule of law requiring a copy of the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of a copy of the document by electronic communication under this section).

(6) The Registrar shall make an authorisation for the purposes of subsection (2) or (4) by direction.

(7) Where a direction under subsection (6) authorises an electronic copy of a document to be submitted as mentioned in subsection (2)(b) and—

- (a) by virtue of that paragraph, an electronic copy of a document has already been submitted to the Registrar, and
- (b) by virtue of any statutory provision, the Registrar requires the document to be submitted again and otherwise than by submission of an electronic copy of the document,

an electronic copy of the document may not be submitted.

(8) Where a direction under subsection (6) authorises an electronic copy of a document or an electronic copy of a copy of a document to be submitted as mentioned in subsection (4) and—

- (a) by virtue of that subsection, an electronic copy of a document or an electronic copy of a copy of a document, as the case may be, has already been submitted to the Registrar, and
- (b) by virtue of any statutory provision, the Registrar requires a copy of the document to be submitted again and otherwise than by submission of an electronic copy of the document or an electronic copy of a copy of the document, as the case be,

an electronic copy of the document or an electronic copy of a copy of the document, as the case may be, may not be submitted.

(9) A direction given by the Registrar under subsection (6)—

- (a) may be made only after consultation with the Law Society of Northern Ireland;
- (b) must be published in such a manner as the Registrar deems appropriate for the purpose of bringing it to the attention of the persons affected by it;
- (c) may include conditions for the submission of a document in electronic form, an electronic copy of a document, or an electronic copy of a copy of a document by electronic communication by virtue of this section which, if not satisfied, entitle the Registrar to regard the document, copy or copy of the copy as having not been submitted;
- (d) may include incidental, supplementary, saving and transitional provisions; and
- (e) may be varied or revoked by a subsequent direction.

(10) In this section, references to the submission of a document include—

- (a) the making of a request;
- (b) the giving of a concurrence;
- (c) the communication of agreement;
- (d) the giving of consent;
- (e) the making of an objection;
- (f) any other like action.

(But this is without prejudice to the meaning of “document” elsewhere in this Act.)

(11) This section is without prejudice to any statutory provision by virtue of which—

- (a) a document in electronic form;
- (b) an electronic copy of a document,

may be submitted to the Registrar by electronic communication for the purposes of submitting a document to the Registrar for the purposes of or otherwise in connection with a case other than an application for the first registration of a dealing with registered land.

(12) This section is without prejudice to any statutory provision by virtue of which—

- (a) an electronic copy of a document;
- (b) an electronic copy of a copy of a document,

may be submitted to the Registrar by electronic communication for the purposes of submitting a copy of the document to the Registrar for the purposes of or otherwise in connection with a case other than an application for the first registration of a dealing with registered land.”.

Insertion of section 92B

6. After section 92A (as inserted by article 5), insert—

“Electronic communication by the Registrar

92B.—(1) This section applies where—

- (a) a document in electronic form, an electronic copy of a document, or an electronic copy of a copy of a document is submitted to the Registrar by electronic communication by virtue of section 92A, and
- (b) because of the submission of the document, copy or copy of a copy, the Registrar is required or permitted, by virtue of any statutory provision, to give a document or a copy of a document to the submitter of that document, copy or copy of a copy (“the submitter”).

(2) Where the Registrar is required or permitted to give a document to the submitter, the Registrar may give—

- (a) the document in electronic form by electronic communication (including where, apart from this section, the document may only be given in a form other than electronic form or by means other than electronic communication);
- (b) an electronic copy of the document by electronic communication,

unless, when the document, copy or copy of a copy referred to in subsection (1)(a) was submitted, the submitter requested that the document be given otherwise than by electronic communication.

(3) Where the Registrar is required or permitted to give a copy of a document to the submitter, the Registrar may give—

- (a) an electronic copy of the document by electronic communication (including where, apart from this section, the copy of the document may only be given in a form other than electronic form or by means other than electronic communication);
- (b) an electronic copy of a copy of the document by electronic communication,

unless, when the document, copy or copy of a copy referred to in subsection (1)(a) was submitted, the submitter requested that the copy of the document be given otherwise than by electronic communication.

(4) Where the Registrar gives an electronic copy of the document under subsection (2)(b) or an electronic copy of a copy of a document under subsection (3)(b), that is to be treated as giving the document or, as the case may be, the copy of the document (and any statutory provision or rule of law requiring the document or copy of the document to be given in a particular form or by a particular means is to be regarded as satisfied by the giving of an electronic copy of the document, as the case may be, an electronic copy of a copy of the document, by electronic communication under this section).

(5) In subsection (1)(b), the reference to “giving a document or a copy of a document to the submitter” does not include returning to the submitter a document or copy of a document previously submitted.

(6) In subsection (3)—

- (a) in paragraph (a), an electronic copy of the document includes an electronic copy of the document in electronic form;
- (b) in paragraph (b), an electronic copy of a copy of the document includes an electronic copy of an electronic copy of the document.

(7) In this section, references to the submission of a document include—

- (a) the making of a request;
- (b) the giving of a concurrence;
- (c) the communication of agreement;
- (d) the giving of consent;
- (e) the making of an objection;
- (f) any other like action.

(But this is without prejudice to the meaning of “document” elsewhere in this Act.)

(8) This section is without prejudice to section 91(3).”

Insertion of section 92C

7. After section 92B (as inserted by article 6), insert—

“Affidavits and statements of truth

92C.—(1) Subsection (2) applies where—

- (a) the making of an affidavit or statutory declaration is required or permitted by virtue of this Act, and
- (b) the Registrar directs that subsection (2) is to apply in relation to the making of the affidavit or statutory declaration.

(2) Where this subsection applies, instead of making and submitting an affidavit or statutory declaration, as the case may be—

- (a) a statement of truth may be provided by electronic communication, or
- (b) an electronic copy of a statement of truth may be provided by electronic communication.

(3) Where a statement of truth, or an electronic copy of a statement, is provided by electronic communication by virtue of subsection (2), the statement or copy, as the case may be, is to be treated by the Registrar as if it were an affidavit or, as the case may be, a statutory declaration, and the statement or copy is to have effect accordingly.

(4) The reference in subsection (1)(a) to the making of an affidavit or statutory declaration being required or permitted by virtue of this Act includes where a form required or permitted to be used by virtue of this Act is to be made as an affidavit or, as the case may be, include a statutory declaration; and where, in relation to such a case, the Registrar makes a direction under subsection (1)(b), subsection (2) applies in accordance with subsections (5) and (6).

(5) Where the form may be submitted to the Registrar in electronic form by electronic communication, rather than be made as an affidavit or, as the case may be, include a statutory declaration, the form in electronic form may instead include a statement of truth.

(6) Where an electronic copy of the form may be submitted to the Registrar by electronic communication, rather than being an electronic copy of the form made as an affidavit or, as the case may be, including a statutory declaration, the electronic copy may be a copy of the form including a statement of truth instead.

(7) In this section—

- (a) “statement of truth” means a statement which—
 - (i) is made by an individual in writing,
 - (ii) contains a declaration that the facts and matters contained in the statement are true, and
 - (iii) complies with such other requirements as the Registrar may direct;
- (b) “statutory declaration” means a declaration made by virtue of the Statutory Declarations Act 1835(a).

(8) A direction given by the Registrar under this section—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
- (b) must be published in such manner as the Registrar deems appropriate for the purposes of bringing it to the attention of the persons affected by it;
- (c) may include conditions for the providing of a statement of truth or an electronic copy of a statement of truth by electronic communication by virtue of this section

(a) 1835 c.62

which, if not satisfied, entitle the Registrar to regard the statement of truth or copy as having not been provided;

- (d) may include incidental, supplementary, saving and transitional provisions; and
- (e) may be varied or revoked by a subsequent direction.”.

Amendment of Schedule 1

8.—(1) Schedule 1 is amended in accordance with paragraph (2).

(2) After paragraph 11, insert—

“THE OFFICIAL ELECTRONIC SEAL

12(1) The Land Registry is to have an official electronic seal.

(2) An electronic seal is so much of anything in electronic form as—

(a) is incorporated into or otherwise logically associated with—

- (i) an electronic document;
- (ii) an electronic copy of a document;
- (iii) an electronic copy of a copy of a document, and

(b) purports to ensure the origin and integrity of the document or copy.

(3) The official electronic seal has the same effect in relation to a document or copy mentioned in sub-paragraph (2)(a) as the official seal has in relation to a document that is not an electronic document or, as the case may be, a copy that is not an electronic copy.

13. Judicial notice is to be taken by all courts of the official electronic seal of the Land Registry; and any document or copy mentioned in sub-paragraph (2)(a) purporting to be sealed with that seal is to be admissible in evidence.

14. In paragraphs 12 and 13, “electronic document” means a document in electronic form.

15. In paragraph 12(2)(a)—

- (a) in sub-paragraph (ii), an electronic copy of a document includes an electronic copy of a document in electronic form;
- (b) in sub-paragraph (iii), an electronic copy of a copy of a document includes an electronic copy of an electronic copy of a document.”.

Amendment of Schedule 1A

9.—(1) Schedule 1A is amended in accordance with paragraphs (2) to (4).

(2) In paragraph 1—

- (a) in the definition of “electronic document”, for “created as an electronic communication within the Land Registry computer system” substitute “in electronic form”;
- (b) omit the definition of “the Land Registry computer system”.

(3) In paragraph 2—

- (a) omit “which is valid in respect of the formalities of execution detailed in paragraph 3”;
- (b) at the end, insert—

“if—

- (a) it is valid in respect of the formalities of execution detailed in paragraph 3, and
- (b) the creation, transfer, variation or extinction of an estate or interest in land that the document purports to effect is an authorised dealing in land.”.

(4) In paragraph 4, for “authenticated in accordance with paragraph 3(2)” substitute “that is valid by virtue of paragraph 2 for the creation, transfer, variation or extinction of an estate or interest in land”.

Consequential amendments

10.—(1) In section 91(3), for “or by the recorded delivery service” substitute “, by the recorded delivery service or by electronic communication”.

(2) In section 94—

- (a) the existing text becomes subsection (1);
- (b) after that subsection (1) insert—

“(2) In this Act—

- (a) references to an electronic copy of a document do not include an electronic copy of a document in electronic form;
- (b) references to an electronic copy of a copy of a document do not include an electronic copy of an electronic copy of a document;
- (c) references to a document in electronic form do not include an electronic copy of a document or an electronic copy of a copy of a document.”.

Amendment of the Ground Rents Act (Northern Ireland) 2001

Amendment of the Ground Rents Act (Northern Ireland) 2001

11. The Grounds Rents Act (Northern Ireland) 2001(a) is amended in accordance with articles 12 to 19.

Insertion of section 4A

12. After section 4, insert—

“Redemption: electronic communication

4A.—(1) If the Registrar authorises it, a person may submit the prescribed form referred to in section 4(1) to the Land Registry—

- (a) in electronic form by electronic communication;
- (b) by submitting an electronic copy of the prescribed form by electronic communication (and the submission of such a copy is to be treated as the submission of the form).

(2) The Registrar shall make an authorisation for the purposes of subsection (1) by direction.

(3) Where a direction under subsection (2) makes provision by virtue of subsection (1)(b) and—

- (a) by virtue of that paragraph, a person has already submitted an electronic copy of the prescribed form to the Land Registry, and

(a) 2001 c.5 (N.I.)

- (b) by virtue of any statutory provision, the Registrar requires the person to submit the prescribed form again and otherwise than by submission of an electronic copy of the form,

the person may not submit an electronic copy of the prescribed form to the Land Registry.

(4) Where the Registrar makes a direction under subsection (2)—

- (a) any document required to be lodged with the Land Registry by virtue of section 4(2) may be lodged in electronic form by electronic communication;
- (b) an electronic copy of any such document may be lodged by electronic communication (and the lodgment of such a copy is to be treated as the lodgment of the document);
- (c) any copy of a document required to be lodged with the Land Registry by virtue of section 4(2) may be lodged by the lodgment of an electronic copy of the document by electronic communication;
- (d) an electronic copy of such a copy may be lodged by electronic communication (and the lodgment of such a copy of a copy is to be treated as the lodgment of a copy of the document).

(5) Paragraph (b), (c) or (d) of subsection (4) does not apply in respect of a document or, as the case may be, a copy of a document if—

- (a) by virtue of that paragraph, a person has already lodged an electronic copy of the document or, as the case may be, an electronic copy of a copy of the document with Land Registry, and
- (b) by virtue of any statutory provision, the Registrar requires the person to lodge the document or, as the case may be, a copy of the document again and otherwise than by submission of an electronic copy of the document or, as the case may be, an electronic copy of a copy of the document.

(6) A direction given by the Registrar under subsection (2)—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
- (b) must 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 conditions for the submission of the prescribed form in electronic form by electronic communication, or by the submission of an electronic copy of the form by electronic communication, by virtue of subsection (1) which, if not satisfied, entitle the Registrar to regard the prescribed form as not having been submitted;
- (d) may include conditions for the lodgment of a document in electronic form by electronic communication, an electronic copy of a document by electronic communication, or an electronic copy of a copy of a document by electronic communication by virtue of subsection (4) which, if not satisfied, entitle the Registrar to regard the document, copy or copy of a copy as having not been lodged;
- (e) may provide that in relation to an application under section 4(1)—
 - (i) subsection (4)(a), (b), (c) or (d) does not apply;
 - (ii) subsection (4)(a) or (b) does not apply in respect of a document specified in the direction;
 - (iii) subsection (4)(c) or (d) does not apply in respect of a copy of a document specified in the direction;
- (f) may include incidental, supplementary, saving and transitional provisions; and
- (g) may be varied or revoked by subsequent direction.

(7) Subsection (6)(e) is without prejudice to the application of section 17(5) of the Interpretation Act (Northern Ireland) 1954^(a), whether to this section or to any other provision of this Act.”.

Insertion of section 5A

13. After section 5, insert—

“Ground rents register: electronic communication with the Registrar

5A.—(1) If the Registrar authorises it, a document required or permitted to be submitted to the Registrar for the purposes of, otherwise in connection with, an application under section 81 of the Land Registration Act 1970 that is made by virtue of section 5(3), may be submitted—

- (a) in electronic form by electronic communication (including where, apart from this section, the document may only be submitted in a form other than electronic form or by means other than electronic communication);
- (b) by the submission of an electronic copy of the document by electronic communication.

(2) Where the Registrar authorises the submission of an electronic copy of a document by virtue of subsection (1)(b), the submission of the copy is to be treated as the submission of the document (and any statutory provision or rule of law requiring the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of the document by electronic communication under this section).

(3) The Registrar shall make an authorisation for the purposes of subsection (1) by direction.

(4) Where a direction under subsection (3) makes provision by virtue of subsection (1)(b) and—

- (a) by virtue of that paragraph, a person has already submitted an electronic copy of a document to the Registrar, and
- (b) by virtue of any statutory provision, the Registrar requires the person to submit the document again and otherwise than by submission of an electronic copy of the document,

the person may not submit an electronic copy of the document to the Registrar.

(5) A direction given by the Registrar under subsection (3)—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
- (b) must be published in such manner as the Registrar deems appropriate for the purpose of bringing it to the attention of persons affected by it;
- (c) may include conditions for the submission of a document in electronic form by electronic communication, or by the submission of electronic copy of the document by electronic communication, by virtue of subsection (1) which, if not satisfied, entitle the Registrar to regard the document as having not been submitted;
- (d) may include incidental, supplementary, saving and transitional provisions; and
- (e) may be varied or revoked by a subsequent direction.”.

Insertion of section 5B

14. After section 5A (as inserted by article 13), insert—

(a) 1954 Chapter 33 (N.I.)

“Ground rents register: electronic communication by the Registrar

5B.—(1) This section applies where—

- (a) by virtue of section 5A(1), a person submits a document to the Registrar in electronic form by electronic communication, or by the submission of an electronic copy of the document by electronic communication, and
- (b) because of the submission of the document the Registrar is required or permitted, by virtue of any statutory provision, to give a document to that person.

(2) The Registrar may give—

- (a) the document to the person in electronic form by electronic communication (including where, apart from this section, the document may only be given to a person in a form other than electronic form or by means other than electronic communication);
- (b) an electronic copy of the document to the person by electronic communication,

unless the person, when submitting the document referred to in subsection (1)(a), requested that the document be given otherwise than by electronic communication.

(3) Where the Registrar gives an electronic copy of the document under subsection (2)(b), that is to be treated as giving the document to the person (and any statutory provision or rule of law requiring the document to be given in a particular form or by a particular means is to be regarded as satisfied by the giving of an electronic copy of the document by electronic communication under this section).

(4) In subsection (1)(b), the reference to “giving a document” does not include returning the prescribed form referred to in section 4(1).”.

Insertion of section 6A

15. After section 6, insert—

“Claims under section 6(2): electronic communication

6A.—(1) Subsections (2) and (3) apply for the purposes of a claim under section 6(2).

(2) If the Registrar authorises it, a document that is required or permitted, by virtue of any statutory provision, to be submitted to the Registrar for the purposes of or otherwise in connection with a claim under section 6(2)—

- (a) may be submitted in electronic form by electronic communication (including where, apart from this section, a document may only be submitted in a form other than electronic form or by means other than electronic communication);
- (b) may be submitted by the submission of an electronic copy of the document by electronic communication.

(3) Where the Registrar authorises the submission of an electronic copy of a document by virtue of subsection (2)(b), the submission of the copy is to be treated as the submission of the document (and any statutory provision or rule of law requiring the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of the document by electronic communication under this section).

(4) If the Registrar authorises it, a copy of a document that is required or permitted, by virtue of any statutory provision other than subsection (2)(b), to be submitted to the Registrar for the purposes of or otherwise in connection with a claim under section 6(2) may be submitted—

- (a) by the submission of an electronic copy of the document by electronic communication (including where, apart from this section, a copy of the document must be submitted otherwise than as an electronic copy or by means other than electronic communication);

- (b) by the submission of an electronic copy of a copy of the document by electronic communication.

(5) Where the Registrar authorises the submission of an electronic copy of a copy of a document by virtue of subsection (4)(b), the submission of a copy of a copy of the document is to be treated as the submission of a copy of the document (and any statutory provision or rule of law requiring a copy of the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of a copy of the document by electronic communication under this section).

(6) The Registrar shall make an authorisation for the purposes of subsection (2) or (4) by direction.

(7) Where a direction under subsection (6) makes provision by virtue of subsection (2)(b) or, as the case may be, subsection (4) and—

- (a) by virtue of the paragraph or subsection, as the case may be, a person has already submitted an electronic copy of a document or, as the case may be, an electronic copy of a copy of a document to the Registrar, and
- (b) by virtue of any statutory provision, the Registrar requires the person to submit the document or, as the case may be, a copy of the document again and otherwise than by submission of an electronic copy of the document or, as the case may be, an electronic copy of a copy of the document,

the person may not submit an electronic copy of the document or, as the case may be, an electronic copy of a copy of the document to the Registrar.

(8) A direction given by the Registrar under subsection (6)—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
- (b) must be published in such manner as the Registrar deems appropriate for the purposes of bringing it to the attention of the persons affected by it;
- (c) may include conditions for—
 - (i) the submission of a document in electronic form by electronic communication, or by the submission of an electronic copy of the document by electronic communication, by virtue of this section;
 - (ii) the submission of a copy of a document by the submission of an electronic copy of the document by electronic communication, or an electronic copy of a copy of the document by electronic communication, by virtue of this section,

which, if not satisfied, entitle the Registrar to regard the document or, as the case may be, the copy of the document as not having been submitted;

- (d) may include incidental, supplementary, saving and transitional provisions; and
- (e) may be varied or revoked by a subsequent direction.”.

Insertion of section 6B

16. After section 6A (as inserted by article 15), insert—

“Certificates under section 6(2): electronic communication

6B.—(1) This section applies where—

- (a) a person submits a document in electronic form, an electronic copy of a document, or an electronic copy of a copy of a document, by electronic communication by virtue of section 6A, and
- (b) the Registrar is required to give a certificate under section 6(2)(a) to the person in respect of the claim to which the document, copy or copy of a copy relates.

(2) The Registrar may give the certificate in electronic form, or an electronic copy of the certificate, to the person by electronic communication unless, when the person submitted

the document or copy, the person requested that the certificate be given otherwise than by electronic communication.

(3) Where the Registrar gives an electronic copy of the certificate under subsection (2), that is to be treated as giving the certificate.”.

Insertion of section 7A

17. After section 7, insert—

“Certificate of redemption: electronic communication

7A.—(1) This section applies where, by virtue of section 4A(1), a person submits the prescribed form referred to in section 4(1) in electronic form by electronic communication, or by the submission of an electronic copy of the form by electronic communication.

(2) The Registrar may send a certificate of redemption to the rent-payer by electronic communication unless the person, when submitting the form, requested that the certificate be given otherwise than by electronic communication.

(3) Where, for the purposes of subsection (2), the certificate of redemption is to be sent by electronic communication, the certificate is to be—

- (a) in electronic form, and
- (b) sealed with the official electronic seal of the Land Registry;

and in being so sealed is to be regarded as having been sealed by the official seal of the Land Registry for the purposes of section 7(1).”.

Insertion of section 23A

18.—(1) After section 23, insert—

“Disputes: electronic communication

23A.—(1) Subsections (2) and (3) apply for the purposes of a reference under section 23(1).

(2) If the Registrar authorises it, a document that is required or permitted, by virtue of any statutory provision, to be submitted to the Registrar for the purposes of or otherwise in connection with a reference under section 23(1) may be submitted—

- (a) in electronic form by electronic communication (including where, apart from this section, a document may only be submitted in a form other than electronic form or by means other than electronic communication);
- (b) by the submission of an electronic copy of the document by electronic communication.

(3) Where the Registrar authorises the submission of an electronic copy of a document by virtue of subsection (2)(b), the submission of the copy is to be treated as the submission of the document (and any statutory provision or rule of law requiring the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of the document by electronic communication under this section).

(4) If the Registrar authorises it, a copy of a document that is required or permitted, by virtue of any statutory provision other than subsection (2)(b), to be submitted to the Registrar for the purposes of or otherwise in connection with a reference under section 23(1) may be submitted—

- (a) by the submission of an electronic copy of the document by electronic communication (including where, apart from this section, a copy of the document

must be submitted otherwise than as an electronic copy or by means other than electronic communication);

- (b) by the submission of an electronic copy of a copy of the document by electronic communication.

(5) Where the Registrar authorises the submission of an electronic copy of a copy of a document by virtue of subsection (4)(b), the submission of a copy of a copy of the document is to be treated as the submission of a copy of the document (and any statutory provision or rule of law requiring a copy of the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of a copy of the document by electronic communication under this section).

(6) The Registrar shall make an authorisation for the purposes of this subsection (2) or (4) by direction.

(7) Where a direction under subsection (6) makes provision by virtue of subsection (2)(b) or, as the case may be, subsection (4) and—

- (a) By virtue of that paragraph or subsection, as the case may be, a person has already submitted an electronic copy of a document or, as the case may be, an electronic copy of a copy of the document to the Registrar, and
- (b) by virtue of any statutory provision, the Registrar requires the person to submit the document or, as the case may be, a copy of the document again and otherwise than by submission of an electronic copy of the document or, as the case may be, an electronic copy of a copy of the document,

the person may not submit an electronic copy of the document or, as the case may be, an electronic copy of the document to the Registrar.

(8) A direction given by the Registrar under subsection (6)—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
- (b) must be published in such a manner as the Registrar deems appropriate for the purposes of bringing it to the attention of the persons affected by it;
- (c) may include conditions for the submission of a document in electronic form by electronic communication, or by the submission of an electronic copy of the document by electronic communication, or for the submission of a copy of a document by the submission of an electronic copy of the document by electronic communication, or by the submission of an electronic copy of a copy of the document by electronic communication, by virtue of this section which, if not satisfied, entitle the Registrar to regard the document or, as the case may be, the copy of the document as not having been submitted;
- (d) may include incidental, supplementary, saving and transitional provisions; and
- (e) may be varied or revoked by a subsequent direction.”.

Consequential amendments

19.—(1) Section 27 is amended in accordance with paragraphs (2) and (3).

(2) In subsection (1), after the definition of “dwelling-house”, insert—

““electronic communication” has the meaning given in section 4 of the Electronic Communications Act (Northern Ireland) 2001;”.

(3) After subsection (2), insert—

“(2A) In this Act —

- (a) references to an electronic copy of a document do not include an electronic copy of a document in electronic form;
- (b) references to an electronic copy of a copy of a document do not include an electronic copy of an electronic copy of a document;

- (c) references to a document in electronic form do not include an electronic copy of a document or an electronic copy of a copy of a document.”.

Amendment of the Property (Northern Ireland) Order 1997

Amendment of the Property (Northern Ireland) Order 1997

20. The Property (Northern Ireland) Order 1997^(a) is amended in accordance with articles 21 to 26.

Insertion of Article 35ZA

21. After Article 35, insert—

“Deed of declaration under Article 35: electronic creation

35ZA.—(1) Where a lessee of a leasehold estate to which Article 35 applies follows the procedure set out in paragraph (2), the lessee is to be regarded as having made a declaration by deed to the effect that the leasehold estate is enlarged into a fee simple and (accordingly)—

- (a) the electronic document in respect of which the procedure is followed is to be regarded as a deed of declaration under Article 35(4), and
- (b) the date on which the electronic document is digitally signed in accordance with the procedure is to be regarded as the date on which the document is executed as a deed.

(2) The procedure set out in this paragraph is that the lessee digitally signs an electronic document which purports to be a declaration by the lessee to the effect that the leasehold estate is enlarged into an estate in fee simple.

(3) Article 35C explains when a lessee “digitally signs” an electronic document.

(4) Paragraph (1) has effect in relation to the lessees of leasehold estates to which Article 35 applies once authorised by the Registrar by direction.

(5) A direction given by the Registrar under paragraph (4)—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
- (b) must 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.

(6) Where, by virtue of this Article, an electronic document is to be regarded as a deed of declaration under Article 35(4), the electronic document 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.

(7) In this Article, “electronic document” means a document in electronic form.”.

Insertion of Article 35B

22. After Article 35A, insert—

(a) 1997 No. 1179 (N.I. 8) as amended by 2001 c.5 (N.I.)

“Deed of declaration under Article 35A: electronic creation

35B.—(1) Where Article 35A applies and the rent-payer follows the procedure set out in paragraph (2), the rent-payer is to be regarded as having made a declaration by deed to the effect that the ground rent is discharged and (accordingly) —

- (a) the electronic document in respect of which the procedure is followed is to be regarded as a deed of declaration under Article 35A(3);
- (b) the date on which the electronic document is digitally signed in accordance with the procedure is to be regarded as the date on which the document is executed as a deed.

(2) The procedure set out in this paragraph is that the rent-payer digitally signs an electronic document which purports to be a declaration by the rent-payer to the effect that the ground rent is discharged.

(3) Article 35C explains when a rent-payer “digitally signs” an electronic document.

(4) Paragraph (1) has effect in relation to the rent-payers with respect to whom Article 35A applies once authorised by the Registrar by direction.

(5) A direction given by the Registrar under paragraph (4)—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
- (b) must 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.

(6) Where, by virtue of this Article, an electronic document is to be regarded as a deed of declaration under Article 35A(3), the electronic document 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.

(7) In this Article, “electronic document” means a document in electronic form.”.

Insertion of Article 35C

23. After Article 35B (as inserted by article 22), insert—

“Meaning of “digitally signs”

35C.—(1) A lessee or a rent-payer “digitally signs” an electronic document where the digital signature of the lessee or rent-payer—

- (a) is incorporated into or logically associated with the electronic document;
- (b) was created in accordance with such conditions as may be set out in directions given by the Registrar; and
- (c) is certified in accordance with the provisions in paragraph (2) and such conditions as may be set out in directions given by the Registrar.

(2) For the purpose of this Article, 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.

(3) A direction given by the Registrar under paragraph (1)—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
 - (b) must 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) Where an electronic document, which—
- (a) purports to be a declaration by a rent-payer to the effect that the rent-payer's ground rent is discharged, or
 - (b) purports to be a declaration by a lessee to the effect that the lessee's leasehold estate is enlarged into an estate in fee simple,

purports to be digitally signed by the lessee or rent-payer in accordance with this Article, the Registrar is entitled to presume that such electronic document was digitally signed by the lessee or rent-payer.

(5) In this Article—

“digital signature” in relation to a lessee or rent-payer (“the signatory”), 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 in electronic form;

“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.”.

Insertion of Article 35D

24. After Article 35C (as inserted by article 23), insert—

“Applications and certificates under Articles 35 and 35A: electronic communication

35D.—(1) If the Registrar authorises it, a document required or permitted, by virtue of any statutory provision, to be submitted to the Registrar for the purposes of or otherwise in connection with an application under Article 35(4) or 35A(3) (“an application document”) may be submitted, or a certificate under Article 35(7) or 35A(5) may be furnished—

- (a) in electronic form by electronic communication (including where, apart from this Article, an application document may only be submitted in a form other than electronic form or by means other than electronic communication);
- (b) by the submission of an electronic copy of the document or certificate by electronic communication.

(2) Where the Registrar authorises the submission of an electronic copy of a document or certificate by virtue of paragraph (1)(b), the submission of a copy of the document or certificate is to be treated as the submission of the document or certificate, as the case may be (and any statutory provision or rule of law requiring the document or certificate to be submitted in a particular form or by a particular means is to be regarded as satisfied by the

submission of an electronic copy of the document or certificate by electronic communication under this Article).

(3) If the Registrar authorises it, a copy of a document required or permitted, by virtue of any statutory provision other than paragraph (1)(b), to be submitted to the Registrar for the purposes of or otherwise in connection with an application under Article 35(4) or 35A(3) may be submitted—

- (a) by the submission of an electronic copy of the document by electronic communication (including where, apart from this Article, a copy of the document must be submitted otherwise than as an electronic copy or by means other than electronic communication);
- (b) by the submission of an electronic copy of a copy of the document by electronic communication.

(4) Where the Registrar authorises the submission of an electronic copy of a copy of a document by virtue of paragraph (3)(b), the submission of a copy of a copy of the document is to be treated as the submission of a copy of the document (and any statutory provision or rule of law requiring a copy of the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of a copy of the document by electronic communication under this Article).

(5) The Registrar shall make an authorisation for the purposes of paragraph (1) or (3) by direction.

(6) Where a direction under paragraph (5) makes provision by virtue of paragraph (1)(b) or paragraph (3) and—

- (a) by virtue of that sub-paragraph or paragraph, a person has already submitted an electronic copy of a document or certificate or, as the case may be, an electronic copy of a copy of a document to the Registrar, and
- (b) by virtue of any statutory provision, the Registrar requires the person to submit the document or furnish the certificate or, as the case may be, submit a copy of the document again and otherwise than by submission of an electronic copy of the document or certificate or, as the case may be, an electronic copy of a copy of the document,

the person may not submit an electronic copy of the document or certificate or, as the case may be, an electronic copy of a copy of the document to the Registrar.

(7) A direction given by the Registrar under paragraph (5)—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
- (b) must 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 conditions for—
 - (i) the submission of a document for the purposes of or otherwise in connection with an application under Article 35(4) or 35A(3) in electronic form by electronic communication, or by the submission of an electronic copy of the document by electronic communication, by virtue of this Article,
 - (ii) the furnishing of a certificate under Article 35(7) or 35A(5) in electronic form by electronic communication, or by the submission of an electronic copy of the certificate by electronic communication, by virtue of this Article,
 - (iii) the submission of a copy of a document for the purposes of or otherwise in connection with an application under Article 35(4) or 35A(3) by the submission of an electronic copy of the document by electronic communication, or by the submission of an electronic copy of a copy of the document by electronic communication, by virtue of this Article,

which, if not satisfied, entitle the Registrar to regard the document or certificate or, as the case may be, copy as having not been submitted or furnished, as the case may be;

- (d) may include incidental, supplementary, saving and transitional provisions; and
- (e) may be varied or revoked by a subsequent direction.”.

Insertion of Article 42A

25. After Article 42, insert—

“Disputes: electronic communication

42A.—(1) Paragraphs (2) and (3) apply for the purposes of a reference under Article 42(1).

(2) If the Registrar authorises it, a document that is required or permitted, by virtue of any statutory provision, to be submitted to the Registrar for the purposes of or otherwise in connection with a reference under Article 42(1) may be submitted—

- (a) in electronic form by electronic communication (including where, apart from this Article, such a document may only be submitted in a form other than electronic form or by means other than electronic communication);
- (b) by the submission of an electronic copy of the document by electronic communication.

(3) Where the Registrar authorises the submission of an electronic copy of a document by virtue of paragraph (2)(b), the submission of a copy of the document is to be treated as the submission of the document (and any statutory provision or rule of law requiring the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of the document by electronic communication under this Article).

(4) If the Registrar authorises it, a copy of a document that is required or permitted, by virtue of any statutory provision other than paragraph (2)(b), to be submitted to the Registrar for the purposes of or otherwise in connection with a reference under Article 42(1), may be submitted—

- (a) by the submission of an electronic copy of the document by electronic communication (including where, apart from this section, a copy of the document must be submitted otherwise than as an electronic copy or by means other than electronic communication);
- (b) by the submission of an electronic copy of a copy of the document by electronic communication.

(5) Where the Registrar authorises the submission of an electronic copy of a copy of a document by virtue of paragraph (4)(b), the submission of a copy of a copy of the document is to be treated as the submission of a copy of the document (and any statutory provision or rule of law requiring a copy of the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of a copy of the document by electronic communication under this Article).

(6) The Registrar shall make an authorisation for the purposes of paragraph (2) or (4) by direction.

(7) Where a direction under paragraph (6) makes provision by virtue of paragraph (2)(b) or, as the case may be, paragraph (4) and—

- (a) by virtue of that sub-paragraph or paragraph, as the case may be, a person has already submitted an electronic copy of a document or, as the case may be, an electronic copy of a copy of a document to the Registrar, and
- (b) by virtue of any statutory provision, the Registrar requires the person to submit the document or, as the case may be, a copy of the document again and otherwise than by submission of an electronic copy of the document or, as the case may be, electronic copy of a copy of the document,

the person may not submit an electronic copy of the document or, as the case may be, an electronic copy of a copy of the document to the Registrar.

(8) A direction given by the Registrar under paragraph (6)—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
- (b) must 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 conditions for the submission of a document in electronic form by electronic communication, or by the submission of an electronic copy of the document by electronic communication, or for the submission of a copy of a document by the submission of an electronic copy of the document by electronic communication, or by the submission of an electronic copy of a copy of the document by electronic communication, by virtue of this Article which, if not satisfied, entitle the Registrar to regard the document or, as the case may be, copy of the document as not having been submitted;
- (d) may include incidental, supplementary, saving and transitional provisions; and
- (e) may be varied or revoked by a subsequent direction.”.

Consequential amendments

26.—(1) Article 2 is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (2), after the definition of “dwelling house”, insert—

““electronic communication” has the meaning given in section 4 of the Electronic Communications Act (Northern Ireland) 2001;”.

(3) After paragraph (3), insert—

“(3A) In this Order—

- (a) references to an electronic copy of a document do not include an electronic copy of a document in electronic form;
- (b) references to an electronic copy of a copy of a document do not include an electronic copy of an electronic copy of a document;
- (c) references to a document in electronic form do not include an electronic copy of a document or an electronic copy of a copy of a document.”.

PART 3

ELECTRONIC COMMUNICATION WITH THE REGISTRAR OF TITLES (AMENDMENT OF SECONDARY LEGISLATION)

Amendment of the Land Registration Rules (Northern Ireland) 1994

Amendment of the Land Registration Rules (Northern Ireland) 1994

27. The Land Registration Rules (Northern Ireland) 1994^(a) are amended in accordance with articles 28 to 32.

Amendment of rule 2

28.—(1) Rule 2(1) is amended in accordance with paragraphs (2) to (6).

(a) S.R. 1994 No. 424 as amended by S.R. 2000 No. 165, S.R. 2002 No. 229, S.R. 2007 No. 4 and S.R. 2011 No. 141

- (2) In the definition of “authorised user”—
 - (a) for “Rule 31(5)” substitute “rule 2A or 191A”;
 - (b) omit “for registration purposes”.
- (3) After the definition of “the Grounds Rents Act” insert—

““the Ground Rents Register” means the register kept under section 5(2) of the Ground Rents Act;”.
- (4) In the definition of “the Land Registry computer system”, for the words from “to enable creation” to the end of the definition substitute “that enables the submission to the Registrar, and giving by the Registrar, of documents in electronic form, electronic copies of documents and electronic copies of copies of documents”.
- (5) In the definition of “the Land Registry direct access service”, after “the Register” insert “, the Statutory Charges Register and the Ground Rents Register”.
- (6) After the definition of “rights of occupation” insert—

““Statutory Charges Register” means the register maintained under section 86 of the 1970 Act.”.

Insertion of rule 2A

29. After rule 2, insert—

“Electronic communication with the Registrar

2A.—(1) This rule applies for the purposes of the submission of a document or copy of a document to the Registrar by virtue of section 32, 92A or 92C of the Land Registration Act (Northern Ireland) 1970, section 4A, 5A, 6A or 23A of the Ground Rents Act (Northern Ireland) 2001 and Article 35D or 42A of the Property (Northern Ireland) Order 1997.

(2) A document in electronic form, an electronic copy of a document or an electronic copy of a copy of a document is submitted to the Registrar by electronic communication for the purposes of the provisions referred to in paragraph (1) by being presented through the Land Registry direct access service.

(3) A document in electronic form, an electronic copy of a document or an electronic copy of a copy of a document may not be submitted to the Registrar by electronic communication for the purposes of the provisions referred to in paragraph (1) otherwise than as provided in paragraph (2).

(4) A document in electronic form, an electronic copy of a document or an electronic copy of a copy of a document may only be presented, for the purposes of the provisions referred to in paragraph (1), through the Land Registry direct access service by an authorised user; accordingly, it may not be made presented by a person who is not an authorised user.

(5) An application may be made to the Registrar for permission to use the Land Registry direct access service as an authorised user.

(6) On making an application, an applicant must submit such information as will enable the Registrar to be satisfied that suitable arrangements have been made for the payment of any fees incurred by the applicant.

(7) The Registrar may—

- (a) grant an application upon such terms as he may direct, or
- (b) where the Registrar considers it appropriate to do so, reject an application.

(8) Any authorised user of the Land Registry direct access service shall, on being required to do so by the Registrar, submit such information as will enable the Registrar to be satisfied that—

- (a) the requirements of paragraph (6) continue to be met;

- (b) the user is compliant with any terms applicable to the user by virtue of a direction under paragraph (7).
- (9) The other rules in these Rules, except rule 2B, are to be read subject to this rule.”.

Insertion of rule 2B

30. After rule 2A (as inserted by article 29), insert—

“Electronic communication by the Registrar

2B.—(1) This rule applies for the purposes of the giving of a document or copy of a document by the Registrar by virtue of section 92B of the Land Registration Act (Northern Ireland) 1970 or section 5B, 6B or 7A of the Ground Rents Act (Northern Ireland) 2001.

(2) A document in electronic form, an electronic copy of a document or an electronic copy of a copy of a document is given by the Registrar by electronic communication for the purposes of the provisions referred to in paragraph (1) by being communicated through the Land Registry direct access service.

(3) The other rules in these Rules, except rule 2A, are to be read subject to this rule.”.

Insertion of rule 191A

31. After rule 191, insert—

“Submission of documents under rule 191 by electronic communication

191A.—(1) If the Registrar authorises it, a notice under rule 191(1) or an affidavit or statutory declaration under rule 191(3)—

- (a) may be submitted in electronic form by electronic communication (including where, apart from this rule, the document may only be submitted in a form other than electronic form or by means other than electronic communication);
- (b) may be submitted by the submission of an electronic copy of the notice, affidavit or statutory declaration (as the case may be) by electronic communication.

(2) Where the Registrar authorises the submission of an electronic copy of a document by virtue of paragraph (1)(b), the submission of a copy of the document is to be treated as the submission of the document (and any statutory provision or rule of law requiring the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of the document by electronic communication under this rule).

(3) The Registrar shall make an authorisation for the purposes of paragraph (1) by direction.

(4) A direction given by the Registrar under paragraph (3)—

- (a) may only be made after consultation with the Law Society of Northern Ireland;
- (b) must 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 conditions for the submission of a notice, affidavit or statutory declaration in electronic form by electronic communication, or by the submission of an electronic copy of the notice, affidavit or statutory declaration by electronic communication, by virtue of this rule which, if not satisfied, entitle the Registrar to regard the notice, affidavit or statutory declaration or, as the case may be, the copy of the notice, affidavit or statutory declaration as not having been submitted;
- (d) may include incidental, supplementary, saving and transitional provisions; and
- (e) may be varied or revoked by a subsequent direction.

(5) A notice, affidavit or statutory declaration in electronic form or an electronic copy of a notice, affidavit or statutory declaration is submitted to the Registrar by electronic communication for the purposes of this rule by being presented through the Land Registry direct access service.

(6) A notice, affidavit or statutory declaration in electronic form or an electronic copy of a notice, affidavit or statutory declaration may not be submitted to the Registrar by electronic communication for the purposes of this rule otherwise than as provided in paragraph (5).

(7) A notice, affidavit or statutory declaration in electronic form or an electronic copy of a notice, affidavit or statutory declaration may only be presented, for the purposes of this rule, through the Land Registry direct access service by an authorised user; accordingly, it may not be made presented by a person who is not an authorised user.

(8) Paragraphs (5) to (8) of rule 2A apply, with any necessary modifications, for the purposes of this rule as they apply for the purposes of that rule.

(9) The other rules in these Rules, except rules 2A and 2B, are to be read subject to this rule.”.

Amendment of miscellaneous rules

32.—(1) Rule 4 is amended in accordance with paragraphs (2) to (4).

(2) The existing text becomes paragraph (1).

(3) In that paragraph (1), after “Parts I to VI” insert “, except rules 2A and 2B,”.

(4) After that paragraph (1) insert—

“(2) Rules 2A and 2B apply in relation to the Statutory Charges Register and the registration of any statutory charge.”.

(5) In rule 5(4), at the end insert “; and may also, at the Registrar’s discretion, include an electronic address furnished under rule 194”.

(6) After rule 13(2) insert—

“(3) Paragraph (2) does not apply where a counterpart is delivered by virtue of section 32(4C) or (4G) of the 1970 Act.”.

(7) Rule 31 is amended in accordance with paragraphs (8) to (10).

(8) In paragraph (3)—

(a) for “may be” substitute “, when”;

(b) after “direct access service” insert “in accordance with rule 2A, may be”.

(9) In paragraph (4)—

(a) omit sub-paragraph (a);

(b) in sub-paragraph (b), for the words from the beginning to “and where” substitute “Where an application for registration is presented in accordance with paragraph (3) and”.

(10) Omit paragraph (5).

(11) In rule 34, after paragraph (5) insert—

“(6) Where a document is presented for registration by virtue of section 32(4C) or (4G) or section 92A(2) of the 1970 Act, this rule applies with all necessary modifications.”.

(12) In rule 88(4), at the beginning insert “Rule 2A,”.

(13) In rule 95, after paragraph (4) insert—

“(5) Paragraph (4) does not apply where a document referred to in that paragraph is lodged by virtue of section 32(4C) or (4G) of the 1970 Act.”.

(14) In rule 120(3), for “a paper certificate” substitute “that the certificate be given otherwise than by electronic communication”.

(15) In rule 121(3), for “a paper certificate” substitute “that the certificate be given otherwise than by electronic communication”.

(16) Rule 170 is amended in accordance with paragraphs (17) and (18).

(17) The existing text becomes paragraph (1).

(18) After that paragraph (1), insert—

“(2) This rule does not apply where the instrument of charge was submitted to the Registrar by virtue of section 32(4C) or (4G) of the 1970 Act.”.

(19) Rule 179 is amended in accordance with paragraphs (20) and (21).

(20) The existing text becomes paragraph (1).

(21) After that paragraph (1), insert—

“(2) In paragraph (1), “deeds and other documents” includes deeds in electronic form, electronic copies of deeds, electronic copies of copies of deeds, other documents in electronic form, electronic copies of other documents and electronic copies of copies of other documents.”.

(22) In rule 180, after paragraph (4) insert—

“(5) In this rule “deed or other document” does not include a deed in electronic form, an electronic copy of a deed, an electronic copy of a copy of a deed, another document in electronic form, an electronic copy of another document or an electronic copy of a copy of another document.”.

(23) In rule 181—

(a) after paragraph (2) insert—

“(2A) Paragraphs (1) and (2) do not apply where the document sought by the solicitor was filed or received by virtue of section 32(4C), (4D) or (4G) or 92A(2) or (4) of the 1970 Act; rather paragraph (2B) applies.

(2B) The Registrar may deliver a certified copy of the document to the solicitor; and the subsequent production of that certified copy to the court or Master is deemed to satisfy the obligation to produce the document to the court or Master.”;

(b) after paragraph (3), insert—

“(4) Where paragraph (3) applies, the Registrar may send a certified copy of any relevant document filed or received by virtue of section 32(4C), (4D) or (4G) or 92A(2) or (4) of the 1970 Act to the court or Lands Tribunal, as the case may be.”.

(24) In rule 186, after paragraph (2) insert—

“(2A) For the purposes of paragraph (2), where a person furnishes a map by virtue of section 92A(2) of the 1970 Act, the person is deemed not to require the return of the map.”.

(25) In rule 194, after paragraph (1) insert—

“(1A) If the Registrar authorises it, persons may, for the purposes of paragraph (1), furnish an electronic address instead of a second address in the United Kingdom.

(1B) An “electronic address” means—

(a) an e-mail address, or

(b) any other form of electronic address specified in the authorisation made under paragraph (1A).

(1C) The Registrar shall make an authorisation under paragraph (1A) by direction.

(1D) A direction given by the Registrar under paragraph (1C)—

(a) may only be made after consultation with the Law Society of Northern Ireland;

(b) must 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.”.

- (26) Rule 196 is amended in accordance with paragraphs (27) to (29).
- (27) In paragraph (1), after “by fax” insert “, or by sending it to an electronic address,”.
- (28) After paragraph (3) insert—
- “(3A) Every notice sent by the Registry to an electronic address shall, in the absence of evidence to the contrary, be deemed to have been received by the person to whom it is addressed on the second day after it is sent.”.
- (29) After paragraph (4) insert—
- “(5) Where the Registrar sends a notice to an electronic address and receives a notification that the notice has not been delivered, the Registrar may require some other notice to be given, or may authorise substituted service of the notice; or the Registrar may proceed without further notice if, in the circumstances, the Registrar thinks it proper to do so.”.
- (30) In rule 198, after the existing text insert—
- “(However, see section 92C of the 1970 Act for provision concerning circumstances in which a person may submit a statement of truth by electronic communication to the Registrar instead of an affidavit or statutory declaration.)”.
- (31) In rule 214, after paragraph (4) insert—
- “(4A) Where a map is furnished by virtue of section 92A(2) of the 1970 Act, it is deemed to have been furnished in duplicate for the purposes of paragraph (4).”.
- (32) In rule 217, after paragraph (3) insert—
- “(4) For the purposes of paragraph (3), where, by virtue of section 92B of the 1970 Act—
- (a) the copy of the entry given is an electronic copy,
 - (b) the extract of the entry given is in electronic form, or
 - (c) the extract is given by the giving of an electronic copy of the extract,
- the copy or extract given, as the case may be, shall be sealed with the official electronic seal of the Registry (rather than the official seal).”.

PART 4

ELECTRONIC COMMUNICATION WITH THE REGISTRAR OF DEEDS (AMENDMENT OF PRIMARY & SECONDARY LEGISLATION)

Amendment of the Registration of Deeds Act (Northern Ireland) 1970

Amendment of the Registration of Deeds Act (Northern Ireland) 1970

33. The Registration of Deeds Act (Northern Ireland) 1970^(a) is amended in accordance with articles 34 to 38.

Insertion of section 16A

34. After section 16 insert—

(a) 1970 c.25 (N.I.)

“Electronic communication with the registrar

16A.—(1) Where the registrar of deeds authorises it, any document required or permitted by virtue of any statutory provision to be brought, produced, lodged, filed or otherwise submitted to or with the registrar or to the registry of deeds, may be brought, produced, lodged, filed or otherwise submitted to the registrar or, as the case may be, the registry of deeds by—

- (a) submitting the document in electronic form by electronic communication (including where, apart from this section, the document may only be submitted in a form other than electronic form or by means other than electronic communication);
- (b) submitting an electronic copy of the document by electronic communication.

(2) Where the registrar of deeds authorises the submission of an electronic copy of a document by virtue of subsection (1)(b), the submission of a copy of the document is to be treated as the submission of the document (and any statutory provision or rule of law requiring the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of the document by electronic communication under this section).

(3) Where the registrar of deeds authorises it, any copy of a document required or permitted by virtue of any statutory provision (other than subsection (1)) to be brought, produced, lodged, filed or otherwise submitted to or with the registrar or to the registry of deeds, may be brought, produced, lodged, filed or otherwise submitted to the registrar or, as the case may be, the registry of deeds by—

- (a) submitting an electronic copy of the document by electronic communication (including where, apart from this section, a copy of the document must be submitted otherwise than as an electronic copy or by means other than electronic communication);
- (b) submitting an electronic copy of a copy of the document by electronic communication.

(4) Where the registrar of deeds authorises the submission of an electronic copy of a copy of a document by virtue of subsection (3)(b), the submission of a copy of a copy of the document is to be treated as the submission of a copy of the document (and any statutory provision or rule of law requiring a copy of the document to be submitted in a particular form or by a particular means is to be regarded as satisfied by the submission of an electronic copy of a copy of the document by electronic communication under this section).

(5) Regulation 4A of Registration of Deeds Regulations (Northern Ireland) 1997 makes provision concerning the submission of documents, copies and copies of copies under subsections (1) and (3) (including provision as to how it is done, who may do it and in relation to terms of being able to do it).

(6) The registrar shall make an authorisation for the purposes of subsection (1) or (3) by direction.

(7) A direction given by the registrar under this section—

- (a) may be made only after consultation with the Law Society of Northern Ireland;
- (b) must be published in such a manner as the registrar deems appropriate for the purpose of bringing it to the attention of the persons affected by it;
- (c) may include conditions for the submission of a document in electronic form, an electronic copy of a document, or an electronic copy of a copy of a document by electronic communication by virtue of this section, which, if not satisfied, entitle the registrar to regard the document, copy or copy of the copy as having not been submitted;
- (d) may include incidental, supplementary, saving and transitional provisions; and
- (e) may be varied or revoked by a subsequent direction.

(8) Where a deed or conveyance is brought and produced by virtue of subsection (1)(b), the deed or conveyance should not be endorsed in accordance with section 1(5) and the electronic copy should, instead, be so endorsed; and section 1(6) applies to that endorsement accordingly.

(9) Where—

- (a) a memorial is brought, produced, lodged, filed or otherwise submitted by virtue of subsection (1)(b) or subsection (3)(b), and
- (b) had it been brought, produced, lodged, filed or otherwise submitted by another means, it would have been endorsed by virtue of section 8(3),

the memorial should not be endorsed in accordance with section 8(3) and the electronic copy of the memorial should, instead, be so endorsed.

(10) In this section “statutory provision” has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954.”.

Amendment of section 6

35.—(1) The existing text of section 6 becomes subsection (1) of that section.

(2) That subsection (1) is amended as follows—

- (a) at the end of paragraph (c), insert “or”;
- (b) after paragraph (c), insert—

“(d) a copy of any document in electronic form kept by or on behalf of the registrar of deeds,”;

- (c) for “or record” substitute “, record or document in electronic form”.

(3) After that subsection (1), insert—

“(2) In subsection (1)(a), “memorial” includes an electronic copy of a memorial.”.

Amendment of section 9

36.—(1) Section 9 is amended as follows.

(2) In subsection (1), after “documents” insert “, other than memorials produced, lodged, filed or otherwise submitted by virtue of section 16A(1)(b) or (3)(b),”.

(3) After subsection (1) insert—

“(1A) Where a memorial has been produced, lodged, filed or otherwise submitted by virtue of section 16A(1)(b) or (3)(b), the electronic copy of the memorial must be kept in the registry of deeds in such manner as the registrar considers appropriate.”.

Amendment of section 13

37.—(1) Section 13 is amended as follows.

(2) After subsection (4) insert—

“(4A) Where a requisition is made by virtue of section 16A(1), a statement or certificate under subsection (4) may be issued in electronic form by electronic communication or by the issuing of an electronic copy of the statement or certificate by electronic communication unless, when, requisition was made, the person making the requisition requested that the statement or certificate, as the case may be, be issued otherwise than by electronic communication.”.

(3) In subsection (5), after “subsection (4)” insert “or an electronic copy of a certificate under subsection (4A)”.

Amendment of section 20

38.—(1) Section 20 is amended as follows.

(2) In subsection (1), after the definition of “document” insert—

““electronic communication” has the meaning given in section 4 of the Electronic Communications Act (Northern Ireland) 2001;”.

(3) After subsection (3) insert—

“(4) In this Act—

- (a) references to an “electronic copy” of a document do not include an electronic copy of a document in electronic form;
- (b) references to an “electronic copy of a copy” of a document do not include an electronic copy of an electronic copy of a document;
- (c) references to a “document in electronic form” do not include an electronic copy of a document or an electronic copy of a copy of a document.”.

Amendment of the Registration of Deeds Regulations (Northern Ireland) 1997

Amendment of the Registration of Deeds Regulations (Northern Ireland) 1997

39. The Registration of Deeds Regulations (Northern Ireland) 1997(a) are amended in accordance with articles 40 to 43.

Insertion of regulation 4A

40. After regulation 4 insert—

“Electronic submission

4A.—(1) This regulation applies for the purposes of section 16A of the Registration of Deeds Act (Northern Ireland) 1970.

(2) A document in electronic form, an electronic copy of a document or an electronic copy of a copy of a document is submitted to the registrar or to the registry of deeds by electronic communication by being presented through the Registry of Deeds direct access service.

(3) A document in electronic form, an electronic copy of a document or an electronic copy of a copy of a document may not be submitted to the registrar or to the registry of deeds by electronic communication otherwise than as provided in paragraph (2).

(4) A document in electronic form, an electronic copy of a document or an electronic copy of a copy of a document may only be presented through the Registry of Deeds direct access service by an authorised user; accordingly, it may not be presented by a person who is not authorised user.

(5) An application may be made to the registrar for permission to use the Registry of Deeds direct access service as an authorised user.

(6) On making an application, an applicant must submit such information as will enable the registrar to be satisfied that suitable arrangements have been made for the payment of any fees incurred by applicant.

(7) The registrar may—

- (a) grant an application upon such terms as the registrar may direct, or

(a) S.R. 1997 No. 28 regulations 13 and 14 as amended by S.R. 2007 No. 5

(b) where the registrar considers it appropriate to do so, reject an application.

(8) Any authorised user of the Registry of Deeds direct access service must, on being required to do so by the registrar, submit such information as will enable the registrar to be satisfied that—

- (a) the requirements of paragraph (6) continue to be met;
- (b) the user is compliant with any terms applicable to the user by virtue of a direction under paragraph (7).

(9) In this section—

“authorised user” means a person who has been authorised by the registrar under this regulation to use the Registry of Deeds computer system by way of the Registry of Deeds direct access service;

“the Registry of Deeds computer system” means the computer system operated by the Registry of Deeds that enables the submission to the registrar of documents in electronic form, electronic copies of documents and electronic copies of copies of documents.

“the Registry of Deeds direct access service” means the service provided by or on behalf of the registrar which allows remote direct access by computer for the purpose of sending and retrieving information in respect of the registry of deeds.”.

Further amendment of Part 1 of the Regulations

41.—(1) Part 1 is amended as follows.

(2) In regulation 4, after paragraph (3) insert—

“(4) This regulation does not apply to a document or copy document referred to in paragraph (1), (2) or (3) that is to be brought, produced, lodged, fled or otherwise submitted to or with the registrar or registry of deeds by virtue of section 16A(1) or (3) of the Registration of Deeds Act (Northern Ireland) 1970, as the case may be.”.

(3) In regulation 5(1), after “by post” insert “or by virtue of section 16A of the Registration of Deeds Act (Northern Ireland) 1970”.

(4) In regulation 6—

- (a) in paragraph (1), after “by post” insert “or by virtue of section 16A of the Registration of Deeds Act (Northern Ireland) 1970”;
- (b) in paragraph (2), after “are received” insert “or, where such a document is lodged by virtue of section 16A(1)(b) or (3)(b) of the Registration of Deeds Act (Northern Ireland) 1970, the copy is received”;
- (c) in paragraph (3), after “are received” insert “or, where such a document is lodged by virtue of section 16A(1)(b) or (3)(b) of the Registration of Deeds Act (Northern Ireland) 1970, the copy is received”;
- (d) in paragraph (4)(a)—
 - (i) after “such documents” insert “and electronic communications submitting such documents or copies of such documents”;
 - (ii) for the words from “the contents of envelopes” to the end of the sub-paragraph substitute—
 - “(i) the contents of the envelopes,
 - (ii) where electronic communications submit documents, the documents so submitted, and
 - (iii) where electronic communications submit copies of documents, the documents of which the copies so submitted are copies,

shall be allocated serial numbers in the order of opening of such envelopes or electronic communications;”;

- (e) in paragraph (4)(b), after “the same envelope” insert “or two or more such documents or copies of documents are submitted in the same electronic communication”;
 - (f) in paragraph (4)(c)—
 - (i) after “in which they” insert “or, as the case may be, their copies”;
 - (ii) after “the envelope” insert “or electronic communication”;
 - (g) in paragraph (6), after “is received” insert “or, where such a document is lodged by virtue of section 16A(1)(b) or (3)(b) of the Registration of Deeds Act (Northern Ireland) 1970, the copy is received”;
 - (h) in the heading of regulation 6, after “by post” insert “or electronically”.
- (5) In regulation 7—
- (a) the existing text becomes paragraph (1);
 - (b) in that paragraph (1), after “registry of deeds” insert “, other than memorials produced, lodged, filed or otherwise submitted by virtue of section 16A(1)(b) or (3)(b) of the Registration of Deeds Act (Northern Ireland) 1970,”;
 - (c) after that paragraph insert—

“(2) Electronic copies of memorials received by virtue of section 16A(1)(b) or (3)(b) of the Registration of Deeds Act (Northern Ireland) 1970 are to be kept, as provided by section 9(1A) of that Act, in such manner as the registrar deems appropriate.”.

Amendment of Parts 3 and 4 of the Regulations

- 42.**—(1) Parts 3 and 4 are amended as follows.
- (2) In regulation 13, after paragraph (2) insert—
- “(3) Where a document referred to in paragraph (1) is lodged by virtue of section 16A(1)(b) of the Registration of Deeds Act (Northern Ireland) 1970, paragraph (2) has effect as if for “Each document so lodged” there were substituted “The copy of the document”.
- (4) Where a certified copy referred to in paragraph (2) accompanies a document or, as the case may be, a copy of a document, by virtue of section 16A(3)(b) of the Registration of Deeds Act (Northern Ireland) 1970, paragraph (2)(a) has effect as if after “by filing” there were inserted “the electronic copy of”.
- (3) In regulation 14, after paragraph (1) insert—
- “(1A) Where the certificate referred to in paragraph (1)(b) is transmitted by virtue of section 16A(1)(b) of the Registration of Deeds Act (Northern Ireland) 1970 or section 92A(2)(b) of the Land Registration Act (Northern Ireland) 1970, as the case may be, that subparagraph has effect as if after “on receipt of” there were inserted “the copy of”.
- (4) In regulation 20, after paragraph (7) insert—
- “(8) Where a document referred to in paragraph (2) or (3) is lodged by virtue of section 16A(1)(b) or the Registration of Deeds Act (Northern Ireland) 1970, paragraph (7) has effect as if for “the original document” and “the copy” there were substituted “the copy of the document” and “the certified copy” respectively.”.

Amendment of Part 5 of the Regulations

- 43.**—(1) Part 5 is amended as follows.
- (2) In regulation 22—
- (a) after paragraph (2) insert—

“(2A) Paragraph (2) does not apply to a requisition made by virtue of section 16A(1) of the Registration of Deeds Act (Northern Ireland) 1970.”;

(b) in paragraph (3), at the end insert “, except where the requisition is made by virtue of section 16A(1)(b) of the Registration of Deeds Act (Northern Ireland) 1970”;

(c) after paragraph (3) insert—

“(3A) Subject to paragraph (7), where a requisition for a common search is made by virtue of section 16A(1)(b) of the Registration of Deeds Act (Northern Ireland) 1970, the electronic copy of the requisition must be kept in the registry of deeds in such manner as the registrar deems appropriate and the electronic copy shall be endorsed with the serial number allocated to the requisition.”;

(d) in paragraph (6), after “paragraph (1)” insert “, except one made by virtue of section 16A(1)(b) of the Registration of Deeds Act (Northern Ireland) 1970,”;

(e) after paragraph (6) insert—

“(7) Where a requisition is made by virtue of section 16A(1)(b) of the Registration of Deeds Act (Northern Ireland) 1970, the electronic copy of the requisition or a record of the requisition under paragraph (4) must be kept in the registry of deeds for a period of not less than 20 years.”.

(3) In regulation 23, in paragraph (3), at the end insert “(except where the registered document was lodged by virtue of 16A(1)(b) or (3)(b) of the Registration of Deeds Act (Northern Ireland) 1970 and is, therefore, not in the possession of the registrar or registry of deeds) and of electronic copies lodged by virtue of section 16A(1)(b) or (3)(b) of that Act”.

(4) In regulation 24, after paragraph (1) insert—

“(1A) Where the requisition for the common search or negative search is made by virtue of section 16A(1) of the Registration of Deeds Act (Northern Ireland) 1970, the statement or, as the case may be, certificate to be issued under paragraph (1) may be issued in electronic form by electronic communication or by issuing of an electronic copy of the statement or certificate by electronic communication unless, when the requisition was made, the person making the requisition requested that the statement or certificate, as the case may be, be issued otherwise than by electronic communication.”.

Amendment of the Property (Discharge of Mortgage by Receipt) (Northern Ireland) Order 1983

Amendment of the Property (Discharge of Mortgage by Receipt) (Northern Ireland) Order 1983

44. For Article 3(6)(b) of the Property (Discharge of Mortgage by Receipt) (Northern Ireland) Order 1983(a) substitute—

“(b) grant a certificate that such a receipt has been given—

- (i) where the receipt has been produced otherwise than by virtue of section 16A(1)(b) of the Registration of Deeds Act (Northern Ireland) 1970, either on the mortgage or separately;
- (ii) where the receipt has been produced by virtue of section 16A(1)(b) of that Act and at the time the receipt was produced the person producing the receipt did not request that the certificate be granted otherwise than electronically, either on the electronic copy of the mortgage or separately in electronic form;
- (iii) where the receipt has been produced by virtue of section 16A(1)(b) of that Act and at the time the receipt was produced the person producing the receipt requested that the certificate be granted otherwise than electronically, in a form other than electronic form.”.

(a) 1983 No. 766 (N.I. 9)

Sealed with the Official Seal of the Department of Finance on 2026



Name
A senior officer of the
Department for Finance

EXPLANATORY NOTE

(This note is not part of the Order)

Introduction

The purpose of this Order is to facilitate (i) electronic communication with and by the Registrar of Titles and the Registrar of Deeds and (ii) the use of electronic processes regarding land registration, statutory charges, ground rents and the registration of deeds.

Articles 3 to 10: amendment of the Land Registration Act (NI) 1970 (“the 1970 Act”)

Articles 3 to 10 amend the 1970 Act in order to facilitate (i) electronic communication with and by the Registrar of Titles and (ii) the use of electronic processes regarding land registration in Northern Ireland.

Article 3

The most important provisions to grasp in this article are new subsections (4C), (4D) and (4G) of section 32 of the 1970 Act.

However, in order to appreciate their effect, other provisions need to be understood first.

Under section 32(4) of the 1970 Act, the Registrar can direct that a particular dealing is to be an “authorised dealing” for the purpose of electronic applications.

Where the Registrar directs that an application for first registration or an application regarding registered land is an “authorised dealing”, the applicant for the “authorised dealing” will benefit from the provisions of article 3 (see new subsection (4B)).

The starting point will be that where the applicant is, at present, required to submit a hardcopy original document, the applicant will now be able, under new subsection (4C), to submit an ‘electronic original’ where the original document exists in that form. An ‘electronic original’ could equally be referred to as a ‘digital document’ and, accordingly, in this Explanatory Note ‘electronic original’ should be understood as being synonymous with a ‘digital document’.

Further, where the applicant is, at present, required to submit a ‘paper copy’ of a hardcopy original document, the applicant will now have the option, under new subsection (4D), of submitting either (i) an electronic scan of the hardcopy original or (ii) an electronic scan of a ‘paper copy’ of the hardcopy original. (However, see the notes below on paragraph (5) of this article.)

Special provision is made by new subsection (4E) regarding option (ii). No such provision is needed regarding the submission of an ‘electronic original’ or an electronic scan of a hardcopy original, because the applicant would be submitting what is presently required, albeit in electronic rather than hardcopy form. However, where a person submits an electronic scan of a ‘paper copy’ of a hardcopy original, the person is not submitting what is required. What is currently required is a copy but what is submitted would be a copy of a copy. Accordingly, new subsection (4E) deems, as a matter of law, that the submission of the copy of a copy is the submission of a copy.

Under new subsection (4G), a direction may provide (i) that an ‘electronic original’ may *not* be submitted but that an electronic scan of a ‘hardcopy original’ may be provided or (ii) that the applicant may submit *either* an ‘electronic original’ or an electronic scan of a ‘hardcopy original’, as the applicant chooses. Where such a direction is made, it takes precedence over subsection (4C).

New subsection (4H) makes the same provision in respect of such electronic scans of hardcopy originals as new subsection (4E) makes in respect of electronic scans of paper copies of hardcopy originals, with the result that where a person submits an electronic scan of a hardcopy original under new subsection (4G), as a matter of law, the applicant is deemed to have actually submitted the hardcopy original (which is why, for example, new subsection (4I) can refer to requiring the submission of a hardcopy original document “again” even though what was provided first time round was an electronic scan of the document).

New subsections (4F) and (4I) make analogous provision, the effect of which is to allow the Registrar in certain circumstances to require original paper copies or hardcopy originals, as the case may be, where the Registrar was first furnished with an electronic submission by virtue of this Order.

The amendments made by paragraph (5) will give the Registrar added flexibility in the provision that the Registrar can make by direction.

New paragraph (ba) will allow for ‘quality control’ measures in respect of electronic submissions, including measures designed to facilitate the audit of electronic submissions and to prevent fraud.

New paragraphs (bb) and (bc) will allow the Registrar to single out a particular document or copy document and disapply the electronic submission provisions in respect of that document or copy, whether in whole or in part^(a).

For example, if a particular application requires the submission of five distinct documents, the Registrar may permit electronic submission in respect of 4 of them, but not in respect of the fifth; or, if a particular application requires the submission of a copy document, the Registrar may provide that only paragraph (a) or (b) of subsection (4D) applies to that copy document, to the exclusion of the other paragraph.

The combined effect of new paragraph (bc) and the other provisions in article 3 is that, in relation to any relevant document or copy document, the Registrar will have discretion regarding whether both types of relevant electronic submission or only one of them will be permitted.

Article 5

The purpose of article 5 is to substantially mirror article 3 in relation to documents and copies of documents that do not fall within the scope of article 3. This is signalled clearly in new section 92A(1) of the 1970 Act. Documents that will fall within the scope of this article will include, for example, applications for the registration of a statutory charge and applications for searches.

(a) Partial disapplication is possible by virtue of section 17 (5) of the Interpretation Act (NI) 1954.

As with the provision made by article 3, the trigger for the permissibility of electronic submission to the Registrar will be a direction made by the Registrar.

New subsection (2) provides for the submission of (i) ‘electronic originals’ or (ii) electronic scans of hardcopy originals, where a hardcopy original is currently required.

New subsection (3) is a similar ‘deeming’ provision to that seen in article 3, with the result that an electronic scan of a hardcopy original is deemed, as a matter of law, to be the hardcopy original.

New subsection (4) provides for the submission of (i) electronic scans of hardcopy originals or (ii) electronic scans of paper copies of hardcopy originals, where what is required, at present, is the submission of a paper copy of a hardcopy original.

In relation to both subsections (2) and (4), it should be noted that by virtue of section 17(5) of the Interpretation Act (NI) 1954, the Registrar has discretion to authorise both types of relevant electronic submission or only one of them. New subsection (5) makes analogous provision to new subsection (3), with the result that where an applicant submits an electronic scan of a paper copy of a hardcopy original, as a matter of law the applicant is deemed to have actually submitted the paper copy of the hardcopy original.

New subsections (7) and (8) make analogous provision, the effect of which is to allow the Registrar in certain circumstances to require hardcopy originals or original paper copies, where the Registrar was first furnished with an electronic submission.

New subsection (9)(c) will allow for ‘quality control’ measures in respect of electronic submissions, including measures designed to facilitate the audit of electronic submissions and to prevent fraud.

Article 6

Whereas articles 3 and 5 concern the submission of certain documents *to* the Registrar, article 6 concerns the giving of certain documents *by* the Registrar.

The provisions of new section 92B are triggered by an electronic submission to the Registrar by virtue of new section 92A.

Where, because of the submission, the Registrar is to give a document or a copy of a document to the person who made the electronic submission, the Registrar can either give the document or copy in paper form or by means of an electronic communication in accordance with this new section.

If the Registrar is required to give a hardcopy original, the Registrar may give an electronic original or an electronic scan of the hardcopy original.

Likewise, if the Registrar is required to give a copy of an original document, the Registrar may give—

- (a) an electronic copy of the original document (whether the original document is in hardcopy or electronic form), or
- (b) an electronic copy of a copy (whether that copy is in paper form or electronic form) of the original document (whether that original document is in hardcopy or electronic form).

It will be noted in this instance that under new subsection (6), electronic copies can be provided (i) of electronic originals and (ii) of electronic scans. This is different to the provision made for articles 3, 5 and 7, for the purposes of which electronic copies must be of hardcopy originals or of paper copies of hardcopy originals.

However, the Registrar cannot provide an ‘electronic return’ if the person who made the initial electronic submission requested, at the time of making that submission, that the document or copy be given to him, her or it otherwise than by electronic communication.

New subsection (4) is the ‘deeming’ provision that provides that where the Registrar gives (i) an electronic scan of an original document or (ii) an electronic scan of a copy of an original document, as a matter of law, the Registrar is to be treated as having actually given the original document or the copy.

Article 7

New section 92C makes provision for the submission of statements of truth, in certain circumstances, instead of affidavits or statutory declarations.

A statement of truth is defined in subsection (7) as a statement which (i) is made by an individual in writing, (ii) contains a declaration that the facts and matters contained in the statement are true, and (iii) complies with such other requirements as the Registrar may direct.

The provision will be triggered by a direction by the Registrar that subsection (2) is to apply in respect of an affidavit or statutory declaration that may be made by virtue of the 1970 Act. Where subsection (2) applies, instead of making the affidavit or statutory declaration, a person can make a statement of truth and provide it to the Registrar by electronic communication (thereby ensuring that the statement of truth itself must be in electronic form) or make a statement of truth in non-electronic form and provide an electronic scan of the statement of truth by electronic communication.

Subsection (3) provides that the provision of the electronic statement of truth or an electronic scan of a statement of truth in non-electronic form is to be treated as if it were an affidavit or statutory declaration, as the case may be, and have effect accordingly.

Subsections (4) and (5) make specific provision for cases in which a form required by virtue of the 1970 Act – for example, a form required under the Land Registration Rules (NI) 1994 (“the 1994 Rules”) – incorporates an affidavit or statutory declaration. They provide that where such a form may be submitted in electronic or scanned form, it does not have to incorporate an affidavit or statutory declaration and may instead include a statement of truth.

New subsection (8)(c) provides the Registrar with the ability – standard to this Order - to include ‘quality control’ measures in respect of electronic submissions, including measures designed to facilitate the audit of electronic submissions and to prevent fraud.

Article 8

The amendments to Schedule 1 to the 1970 Act included in this article make provision for the Land Registry to have an Official Electronic Seal that will have the same effect in relation to—

- (a) electronic original documents,
- (b) electronic copies of original documents (whether the original document is in hardcopy or electronic form), and
- (c) electronic copies of copies (whether the copy is in paper form or electronic form) of original documents (whether the original document is in hardcopy or electronic form),

as the Land Registry's Official Seal has in respect of hardcopy documents, paper copies and paper copies of paper copies.

It will be noted in this instance that by virtue of new paragraph 15, electronic copies can be provided (i) of electronic originals and (ii) of electronic scans. This is different to the provision made for articles 3, 5 and 7, for the purposes of which electronic copies must be of hardcopy originals or of paper copies of hardcopy originals.

Article 9

The amendments made by this article to Schedule 1A of the 1970 Act open the doorway to the greater use of electronic original documents in effecting dealings with land at Land Registry.

The principal change made is the removal of any requirement that the electronic document that is to be used to effect the dealing at Land Registry be created within the Land Registry computer system.

However, Schedule 1A, as amended, will only become operative in relation to a particular dealing if (i) the Registrar directs that that particular dealing is an “authorised dealing” and (ii) no provision is made in that direction to exclude the application of Schedule 1A to that dealing.

Article 10

It will have been noted that reference is consistently made in these Notes to electronic original documents, electronic scans of hardcopy originals and electronic scans of paper copies of hardcopy originals. This is because of new section 94(2), which provides what is meant by references in the 1970 Act to a “document in electronic form”, an “electronic copy of a document” and an “electronic copy of a copy of a document”.

Articles 12 to 19: amendment of the Ground Rents Act (NI) 2001 (“the 2001 Act”)

Articles 12 to 19 amend the 2001 Act in order to facilitate (i) electronic communication with and by the Registrar of Titles and (ii) the use of electronic processes, for the purposes of, or in connection with, certain matters relating to ground rents in Northern Ireland.

Article 12

New section 4A of the 2001 Act makes provision for the electronic submission of the prescribed form required by section 4.

If the Registrar authorises it by direction, the prescribed form can also be submitted (i) by submitting it in electronic form by electronic communication or (ii) by submitting an electronic scan of a hardcopy prescribed form (with the submission of the electronic scan deemed in law to be the submission of the prescribed form).

New subsection (4) provides that where a direction is made authorising electronic submission of the prescribed form, any document required by virtue of section 4(2) can be lodged in electronic form or by the lodgment of an electronic scan of the hardcopy original; and any copy of a document required by virtue of that subsection can be lodged as an electronic scan of the hardcopy original or by the lodgment of an electronic scan of a paper copy of the hardcopy original.

It should be noted, however, that by virtue of a combination of section 17(5) of the Interpretation Act (NI) 1954 and new section 4A(6)(e), the Registrar will have discretion regarding whether both types of relevant electronic submission or only one of them will be permitted

Article 13

New section 5A concerns searches in the Ground Rents Register.

If the Registrar authorises it by direction, any document to be submitted regarding such an application can also be submitted (i) in electronic form by electronic communication or (ii) by submitting an electronic scan of the hardcopy original.

The remainder of the new section makes provision in respect of such ‘electronic submission’ that is identical in substance to provision made elsewhere in this Order in respect of other instances of ‘electronic submission’.

Article 14

New section 5B makes provision equivalent to new section 92B in the 1970 Act and the Notes in respect of that section apply here *mutatis mutandis*.

Article 15

New section 6A makes provision with respect to electronic submission regarding claims under section 6(2) of the 2001 Act.

The provision made is equivalent to that made in new sections 4A and 5A of the 2001 Act. The Notes in respect of those sections apply here *mutatis mutandis*.

Article 16

New section 6B makes specific provision with respect to the giving of certificates by the Registrar, regarding claims in respect of money lodged under section 4(2), under section 6(2)(a) of the 2001 Act by electronic communication.

Where the Registrar is required to give such a certificate as a result of an electronic submission by virtue of section 6A, the Registrar may, instead of giving the certificate in paper form, give it in electronic or scanned form, unless, when the person submitted the document or copy, the person requested that the certificate be given otherwise than by electronic communication.

Article 17

New section 7A makes specific provision with respect to the giving of certificates of redemption by the Registrar in certain circumstances.

Where the Registrar is required to give such a certificate as a result of an electronic submission, the Registrar may, instead of giving the certificate in paper form, give it in electronic form sealed with the Official Electronic Seal of the Land Registry, unless the person making the submission, when submitting the form, requested that the certificate be given otherwise than by electronic communication.

Article 18

New section 23A makes provision with respect to ‘electronic submission’ regarding a reference under section 23(1) of the 2001 Act in relation to disputes about matters in subsection (4).

The provision made is equivalent to that made in new sections 4A, 5A and 6A of the 2001 Act and the Notes in respect of those sections apply here *mutatis mutandis*.

Article 19

Article 19 makes consequential amendments. The provision made is substantially equivalent to that made by article 10 and the Notes in respect of that article apply here *mutatis mutandis*.

Articles 21 to 26: amendment of the Property (NI) Order 1997 (“the 1997 Order”)

Articles 21 to 26 amend the 1997 Order in order to facilitate (i) electronic communication with and by the Registrar of Titles and (ii) the use of electronic processes regarding certain matters relating to property law in Northern Ireland.

Article 21

New Article 35ZA provides a procedure by which certain persons can use an electronic document in order to make a ‘declaration by deed’ for the purposes of existing Article 35 of the 1997 Order.

New paragraph (2) provides that the procedure is followed where a person to whom the Article applies digitally signs an electronic declaration to the effect that the leasehold estate is enlarged into an estate in fee simple.

The definition of “digitally signs” is found in new Article 35C.

It is important to note, however, that new Article 35ZA(1) – which is the provision of the Article by virtue of which an electronic document can have effect as a ‘deed of declaration’ – only has effect once the Registrar makes a direction that it has effect in relation to all of the lessees of leasehold estates to which Article 35 applies.

Article 22

New Article 35B of the 1997 Order makes provision for the purposes of existing Article 35A that is equivalent to that made by new Article 35ZA for the purposes of existing Article 35 and, accordingly, the Notes for article 21 should be consulted and read *mutatis mutandis*.

Article 23

New Article 35C of the 1997 Order provides the definition of “digitally signs” that is used in new Articles 35ZA and 35B.

Articles 24 and 25

New Articles 35D and 42A of the 1997 Order make provision with respect to electronic submission regarding (i) an application under Article 35(4) or 35A(3) of the Order, (ii) the furnishing of a solicitor’s certificate under Article 35(7) or 35A(5) and (iii) a reference under Article 42(1) of the Order, respectively.

The provision made is equivalent to that made to facilitate electronic submission for the purposes of the 1970 Act and the 2001 Act and the Notes in respect of those provisions apply here *mutatis mutandis*.

Article 26

Article 26 makes consequential amendments. The provision made is equivalent to certain provision made by article 10 and the Notes in respect of that article apply here *mutatis mutandis*.

Articles 28 to 32: amendment of the Land Registration Rules (Northern Ireland) 1994

Articles 28 to 32 make amendments to 1994 Rules for the purposes of giving practical effect to certain amendments made by this Order to the 1970 Act, the 2001 Act and the 1997 Order.

Article 29

New rule 2A provides that, for the purposes of the 1970 Act, the 2001 Act and 1997 Order, an electronic submission by means of “electronic communication” with the Registrar may only be made by an authorised user presenting the electronic document or electronic copy through the Land Registry direct access service.

The new rule also makes provision for how a person can apply to become an authorised user.

Article 30

Whereas new rule 2A concerns the electronic submission of electronic documents and electronic copies to the Registrar, new rule 2B concerns how the Registrar gives such documents and copies to a person by electronic communication.

It provides that it is done by communicating such a document or copy through the Land Registry direct access service.

Article 31

New rule 191A makes specific provision for electronic submission in the case of notices under rule 191(1) and affidavits and statutory declarations under rule 191(3).

The provision in this new rule overlaps substantially with certain provision made by this Order (i) to facilitate electronic submission under the 1970 Act, the 2001 Act and the 1997 Order and (ii) with respect to “electronic communication” with the Registrar (see article 29), and so the Notes in respect of those provisions apply here *mutatis mutandis*.

Articles 28 and 32

The amendments made by these articles are consequential amendments to ensure that the 1994 Rules function coherently and efficiently in the context of the substantive amendments made by this Order to the 1970 Act, the 2001 Act, the 1997 Order and the 1994 Rules themselves.

Some of the amendments are worthy of specific comment.

The amendments made by article 28(2)(b) and (5) and article 32(4) reflect the fact that use will henceforth be made of the Land Registry direct access system for more than just land registration; for example, it will be used in relation to the Statutory Charges Register and the Ground Rents Register.

The amendments made by article 32(8) to (10) introduce changes to rule 31 to make it consistent with rules 2A and 2B on electronic communication with and by the Registrar through the Land Registry direct access service.

Articles 34 to 38: amendment of the Registration of Deeds Act (NI) 1970

Articles 34 to 38 make amendments to the Registration of Deeds Act (Northern Ireland) 1970

in order to facilitate (i) electronic communication with and by the Registrar of Deeds and (ii) the use of electronic processes regarding the registration of deeds in Northern Ireland.

Article 34

The provision made by new section 16A of the said Act is equivalent to that made to facilitate electronic submission for the purposes of the 1970 Act, the 2001 Act and the 1997 Order and the Notes in respect of those provisions apply here *mutatis mutandis*.

Articles 35 & 36

These articles make consequential amendments concerning the keeping of records. They are consequential on the insertion of new section 16A and ensure that the Act functions coherently and efficiently in the context of that section.

Article 37

New subsection (4A) in section 13 makes provision allowing the Registrar of Deeds to issue a statement or certificate under subsection (4), or a copy of same, by electronic communication in circumstances where a requisition under the section is made by a person by electronic communication by virtue of section 16A; unless, when making the requisition, the person requested that the statement or certificate be issued to him, her or it otherwise than by electronic communication.

Article 38

The provision made by article 38—

- (a) defines the phrase “electronic communication” as having the meaning given in section 4 of the Electronic Communications Act (Northern Ireland) 2001, and
- (b) makes provision equivalent to the provision made by article 10(2)(b) and (3), and, as such, deals with (i) the meaning of references to electronic copies, electronic copies of copies and documents in electronic form and (ii) the application of the Registration of Deeds Act (NI) 1970 to situations not specifically provided for in this Order.

Consequently, the Notes in respect of those provisions of article 10 apply here *mutatis mutandis*.

Articles 40 to 43: amendment of the Registration of Deeds Regulations (NI) 1997 (“the 1997 Regulations”)

Articles 40 to 43 make amendments to 1997 Regulations in order to facilitate (i) electronic communication with and by the Registrar of Deeds and (ii) the use of electronic processes, for the purposes of, or in connection with, the registration of deeds in Northern Ireland.

Article 40

New regulation 4A of the 1997 Regulations explains how a person makes an electronic submission to the Registrar of Deeds “by electronic communication” for the purposes of new section 16A of the Registration of Deeds Act (Northern Ireland) 1970.

The provision is equivalent to that made by article 29 for the purposes of electronic submission under the 1970 Act, the 2001 Act and the 1997 Order and the Notes in respect of that article apply here *mutatis mutandis*.

Articles 41 to 43

The amendments made by these articles are consequential amendments to ensure that the 1997 Regulations function coherently and efficiently in the context of the substantive amendments made by this Order to the Registration of Deeds Act (Northern Ireland) 1970 and the 1997 Regulations themselves.

Article 44: amendment of the Property (Discharge of Mortgage by Receipt) (NI) Order 1983 (“the 1983 Order”)

This article makes a minor amendment to the 1983 Order to allow the Registrar of Deeds in certain circumstances to give a certificate under Article 3 of that Order (i) on an electronic copy of a hardcopy original mortgage or (ii) separately in electronic form.