

## Guidance Note: Electronic Execution of Property Deeds

### Background

During the Covid-19 pandemic, electronic agreements were more common. The Government considered the technological and practical issues relating to electronic documents and the need for best practice for execution of electronic documents for developments in technology and the law to raise confidence that documents were validly executed, signatures were secure and reduce the potential for fraud.

The Land Registry provides examples of acceptable electronic signatures.

**Note: Formalities** for documents whether or not they are accepted by the Land Registry may be rejected, and errors can be costly and time consuming to rectify.

Prior to the pandemic, there was a general reluctance to sign contracts, deeds or other legal documents electronically. There was uncertainty as to whether electronic documents and electronic signatures would render a document invalid and unenforceable. To some extent legal advice was sought. However, the Law Commission's report in 2019 provided clear and authoritative guidance that electronic execution could be valid provided any other requisite formalities were satisfied. Despite that the use of electronic documents was still not commonplace.

This Guidance Note provides guidance on property documents and explains the methods for electronic execution of property documents accepted by the Land Registry. For guidance on other types of documents (non-property) see [Guidance Note: Electronic Signature of Non-Property Documents](#).

It is not currently possible to execute every type of property document electronically. The most common exceptions are:

- lasting powers of attorney
- statutory declarations
- Land Registry Form ID 1 and ID 5
- digital mortgages

and convenient ways of entering legally binding documents. The more common use of electronic sources. The Government considered the technological and practical issues relating to electronic documents and the need for best practice for execution of electronic documents for developments in technology and the law to raise confidence that documents were validly executed, signatures were secure and reduce the potential for fraud.

for execution of deeds generally. Details and examples of acceptable electronic signatures are contained in the separate **Guidance Note: Electronic Execution of Property Documents**. It is important that signatures or electronically meet the requirements of the law. Documents may be rejected, and errors can be costly and time consuming to rectify.

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This is not a comprehensive list of documents which may be acceptable using one electronic method or another. The Land Registry's development of documents electronically is ongoing and their requirements are not set in stone. You should refer to [Practice guide 82: Land Registry electronic signatures](#) for more information and/or seek legal advice from a professional adviser before electronically executing any document to be submitted to the Land Registry.

Additionally, s45 of the Law of Property Act 1925 requires a deed to be executed by a physical seal, so a deed executed by an electronic seal is not currently valid.

### **The Land Registry's requirements for electronic execution**

There are a few common methods of executing electronic property documents which are recognised by the Land Registry.

- In almost all transactions, the Land Registry to accept an electronic signature. The Land Registry recognised electronic signatures from 2003 and included them in the Land Registration Rules 2003 and included them in the Land Registration Rules 2003 and included them in the Land Registration Rules 2003.
- The conveyancer must agree in advance to use electronic method of execution.

### **Land Registry accepted methods of electronic execution of property deeds**

The Land Registry accepts the following methods of executing property deeds in the following ways:

- "Mercury" e-signatures
- Conveyancer-confirmed e-signatures (CCES)
- Qualified electronic signatures

#### **1. "Mercury" Signatures**

Since May 2020 this has been a valid method for electronically executing a property document. In the case of R (Mercury Tax Group Ltd) v HMRC [2008] EWHC 1801 (or "JPEG") final version of the document and the PDF of the signed document and equivalent physical document. For this method, the parties generally must use Mercury signatures or Mercury combined with another method (see "Linked Signing" below). Once Mercury is agreed,

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the conveyancer is  
82 for Mercury Sign

The agreed form of  
instructions on how  
pen in the physical  
Registry recommen  
statement next to v

*"I confirm that I wa  
signed this deed. "*

Once the deed is sig  
final agreed deed a  
executed by all the  
completion date an  
signature pages in t

Practice Note 82 pr  
sets out documents

## 2. Conveyancer-c

As with other form  
transaction must b  
or to CCES alongsid  
the other party sign  
must be present wh

Execution is mana  
approved platform  
responsibility for se  
Land Registry then  
set out in Land Reg

The operating syste  
e-signature in cor  
instruction of the co  
provides them with  
signatory to sign th  
to access and then  
dates and time th  
recorded within th

the steps set out in Land Registry Practice Guide

each party by their conveyancer with  
the signature page must be printed and signed in  
video witnessing is not accepted. The Land  
by this method include an additional witness

h [NAME OF PERSON SIGNING DEED] when they

igned pdf or jpeg copy of the signature page and  
ancer in a single email. Once the deed is validly  
completes the transaction by entering the  
gistry with a copy of the deed and signed  
ment.

other documents not requiring witnessing and  
ng is not accepted.

## atures (CCES)

ognised electronic execution, each party to the  
eyancer who must agree in advance to use CCES  
one party electronically executes using CCES and  
signature (see "Mixed Signing" below). A witness  
ed using CCES.

ng system or platform. There are currently no  
This method requires a conveyancer to take  
the process through the operating system. The  
r to ensure that execution follows the CCES steps

ic signing processes including the creation of the  
d Registry's procedural requirement. On the  
emails the final document to the signatories and  
e (OTP) which must be entered to enable the  
signature, the witness receives an email and OTP  
n in the attestation clause on the document. The  
s attestation are completed are automatically  
s an audit trail to evidence simultaneous signing

and witnessing of the conveyancer controlling the application is then the process must at the execution of the document must be executed in accordance

Practice Note 82 provides sets out documents

### 3. Qualified electronic

This method potentially Whilst it is a recognised restricted to a small

If successful, it is hoped speed up significantly completed within 2 signature and a Q throughout the EU does not need to be

QES involves a “qualified checks and provide law by The Electronic et) (EU Exit) Regulation have guaranteed ad are often raised no

Further information results of the pilot s

### Mixed Signing

In some circumstances is possible to sign conveyancers. Sign e.g., signatory using

on of the transaction only takes place when the the document to give it effect. An electronic by and the individual conveyancer controlling the tion to the Land Registry that the document was nts of Practice Guide 82.

other documents not requiring witnessing and ng is not accepted.

ure and quickest method of electronic execution. nic execution by the Land Registry, it is currently g firms taking part in the QES pilot scheme.

be widely. The current pilot has seen transactions ing one transaction from signing to registration nd EU, QES is legally equivalent to a handwritten ficate issued in one EU member is recognised that, unlike other execution methods, a witness

ider” that will carry out electronic identification s in the EU Regulation 910/2014 adopted into UK Services for Electronic Transactions (Amendment a digital signature and digital certificate. QES will gistry and reduce Land Registry requisitions which elays to registration.

be incorporated to this Guidance Note when the

le for both parties to sign by the same method. It s provided this is agreed in advance by the es must however use the same execution method, witness using CCES is not permitted.

## Companies and LLPs

Where a document is signed on behalf of a company or LLP and signed by any director(s) or secretary or by someone acting with authority, that signature may be in electronic form. If that signature is valid, the signature of the witness may also be in electronic form.

Section 44(2)(a) Companies Act 2006 requires for two “authorised signatories” to sign on behalf of a company and s44(2)(b) requires the same for an LLP. There is no requirement for a witness. However, the modified steps in Practice Note 82 are satisfied when the document is signed under the Mercury and CCES methods.

Execution under electronic methods will be rejected. The Companies Act 2006, s46 requires a physical signature for a deed.

## Further information

**The Guidance Note on the Execution of Property Documents** provides more general guidance on the requirements required to ensure property contracts and deeds are legally enforceable. It covers both “wet ink” or electronic signatures. This guidance should be read in conjunction with that in the Practice Note.

Land Registry Practice Note 82 is updated and contains confirmation on the different types of property contracts and deeds. It lists the electronic execution methods (if any) are accepted and the procedural requirements that must be satisfied for valid execution.

The contents of this document are for reference purposes only and do not constitute legal advice. Independent legal advice should always be sought in relation to any specific legal matter.