

A Signature Move



The use of electronic signatures to sign legal documents is increasing in the legal world. Documents can bypass your doorstep and be sent straight to your inbox with a click of a button. This method speeds up the signing process, saves postage costs and eliminates the risk of losing documents in a postal black hole.

The Land Registry's [latest guidance](#) is a helpful reminder of the electronic signing process. It confirms that the Land Registry will continue to accept (for registration) transfers and certain other deeds that have been signed electronically.

Land Registry Requirements

Certain requirements do need to be followed when using the electronic signature method:

- A third party electronic signing platform must be used. These platforms allow users to upload documents which are then distributed by the platform to individuals to add their digital signature. Some of the market leaders include DocuSign, Adobe Sign and HelloSign.
- All parties to the deed must have a conveyancer acting on its behalf and must agree to the use of electronic signatures.
- A conveyancer must be responsible for setting up and controlling the signing process through the signing platform.
- When lodging the application for registration, the following must be provided:
 1. A PDF copy of the completed deed;
 2. A certificate certifying that to the best of the conveyancer's knowledge, the requirements in Practice Guide 8 (for the execution of deeds using electronic signatures), have been satisfied;

3. Any audit report or certificate of completion issued by the signing platform to evidence its authenticity.

Many signing platforms automatically offer the conveyancer's certificate and audit report and/or completion certificate as an automatic service.

The Land Registry has confirmed that, for the time being, they are only accepting certain types of electronically signed deeds for registration. A list of these can be found in their [latest guidance](#).

Process of signing

The process of electronically signing the documents is now simple. The signing platform will usually forward an email to the signatory with a link to review and "sign" the document. The signatory simply clicks a few buttons on their screen and then the signing process is complete.

Where a signatory must sign in the presence of a witness, the signatory will usually be asked to provide the signing platform with the witness' contact details to forward the link to which to forward the document. The witness is required to be present in the room when the signatory adds their electronic signature to the document. The signing platform will usually add a statement from the witness to confirm that they were physically present when the signatory signed the deed.

It is important to note that each party does not have to follow the same signing process. One party can sign using traditional wet-ink and the other can sign electronically. So long as the Land Registry's requirements are observed, this will not be an issue.

Future

At Lester Aldridge LLP, we have some clients who prefer to use the traditional wet-ink signing process but many clients are opting to take advantage of the new electronic signing method. We have been working together with our chosen signing platform to provide a streamlined signing process. Our efforts mean that documents signed electronically are returned to us in minutes rather than days and weeks, as the need to rely on paper deeds and the postal service is no longer our only option.

If you have any questions or concerns, please contact our specialist [real estate solicitors](#) today by emailing online.enquiries@la-law.com