

HM Land Registry (UK) Electronic Signature and Witnessing

Introduction

The acceptance of electronic signatures by the HM Land Registry (HMLR) has been an eagerly anticipated reform for a number of years. Printing, posting and scanning documents isn't always feasible, and since the COVID-19 lockdown, the requirement for a digital alternative to wet signatures has increased greatly.

In response, on July 27, 2020, the HMLR announced that it will accept witnessed electronic signatures (WES) with immediate effect¹, with an objective of transitioning as quickly as possible to the use of digital signatures (more specifically Qualified Electronic Signatures)². A specific timeframe around when the use of QES will be accepted is yet to be announced, but we would expect that the HMLR is motivated to transition to QES sooner than later to further streamline its digital process. We commend the HMLR for embracing such digital transformation efforts and we ourselves will continue to also lean into their initiatives.

Read on for a summary of how you can use DocuSign eSignature with the HMLR in light of their guidance.

Summary of HM Land Registry Practice Guidance

On Monday 27th July, 2020, the HMLR issued practice guidance³ for the use of Witnessed Electronic Signatures (WES). The change in regulations allows the transfer of deeds and other dispositional deeds to happen with the HMLR, including electronic signing and an improved overall digital experience.

There are several key requirements for witnessed electronic signing, including:

- a need for physical presence of the witness and
- a One Time Password (OTP) access authentication for the signatory AND the witness.

For more information, here is the full [practice guidance from HMLR](#).

Future developments

A follow-up HMLR blog post on July 27th, entitled the [practical use of Electronic Signatures](#), provided the community with additional exciting news that the HMLR is continuing its digital transformation journey by evaluating the use of Qualified Electronic Signatures (QES) as a means to remove the need for the witnessing altogether. We commend the HMLR for its transformative vision and look forward to continuing to collaborate with the HMLR and the UK legal community.

¹ <https://www.gov.uk/government/news/hm-land-registry-to-accept-electronic-signatures>

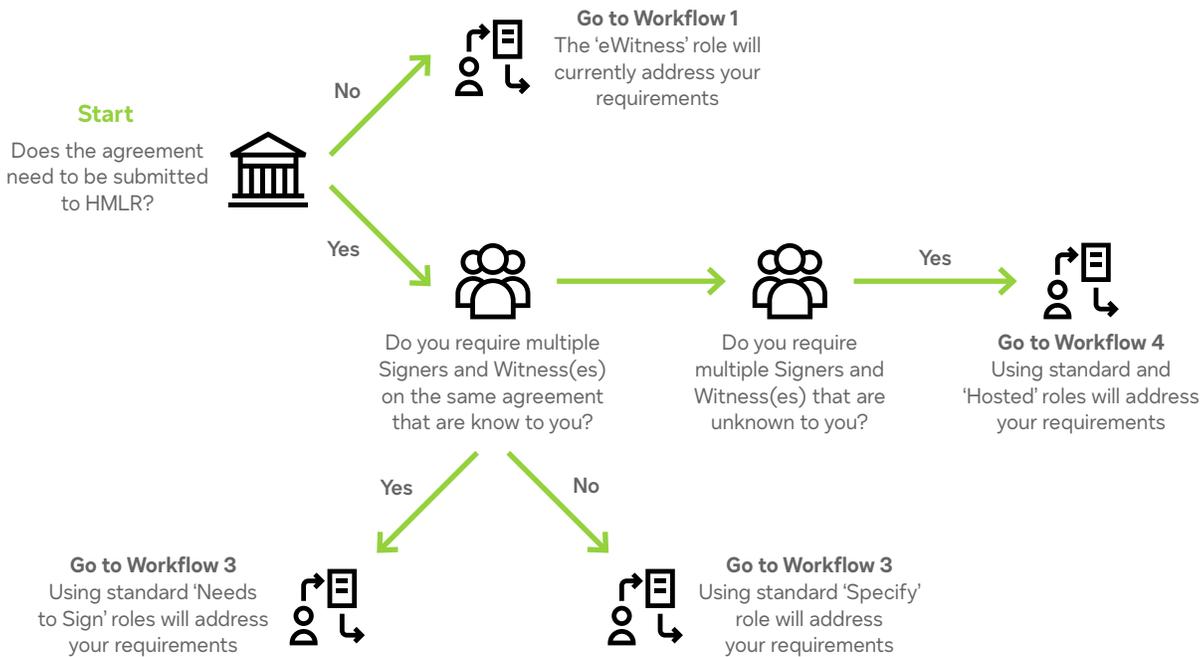
² <https://hmlandregistry.blog.gov.uk/2020/07/27/electronic-signatures-in-practice/>

³ <https://www.gov.uk/government/publications/execution-of-deeds/practice-guide-8-execution-of-deeds#our-requirements>

How DocuSign eSignature can support HMLR electronic witnessing

While the HMLR requirement for a One Time Password (OTP) is new, SMS verification is a capability already built into DocuSign eSignature. DocuSign provides several options to help you sign and witness deeds electronically in an easy way. Below are different workflows you can use depending on your use cases and requirements.

Choosing the right solution for you



Workflow 1 – DocuSign eWitness (Envelope Creation)

Use case: Multiple signers & witnesses, witness(es) are unknown

Product: DocuSign eSignature with eWitness functionality

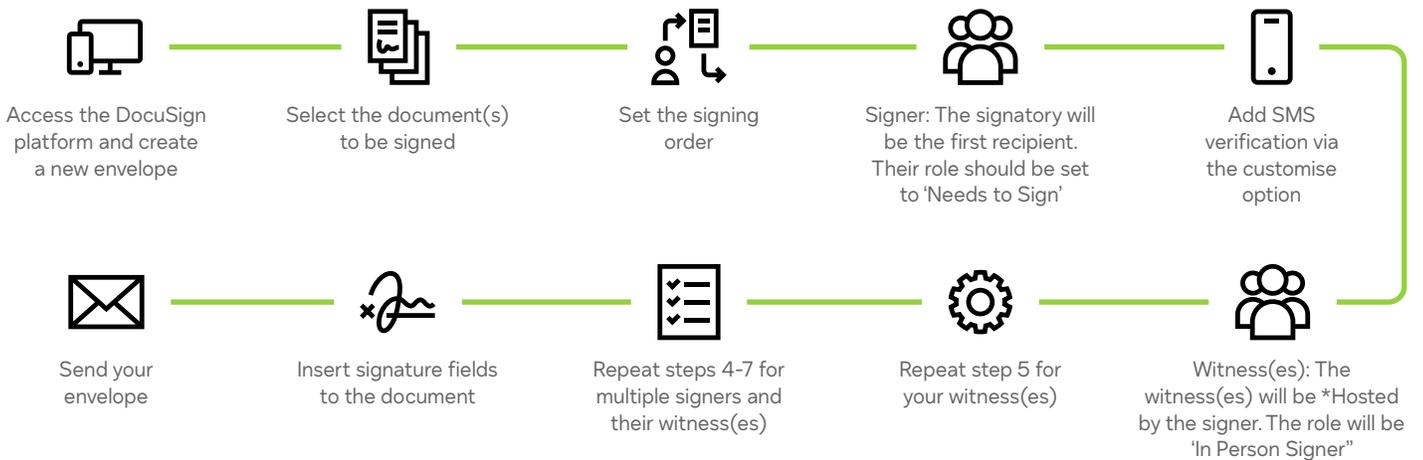


Workflow 2 – DocuSign eSignature

Use case: Multiple signers & witnesses, witness(es) are known

Product: DocuSign eSignature (using standard signing roles)

Envelope Creation



Signing

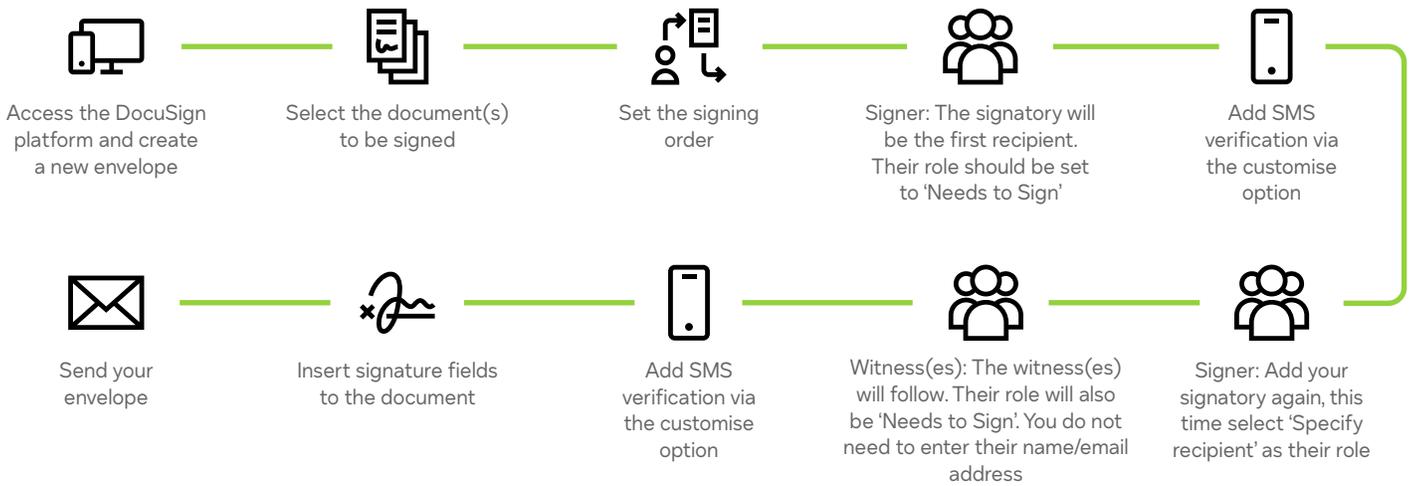


Workflow 3 – Specify recipients

Use case: One signer, one or more witnesses, witness(es) are unknown

Product: DocuSign eSignature (using standard signing roles and specify for signers to address witnesses)

Envelope Creation



Signing

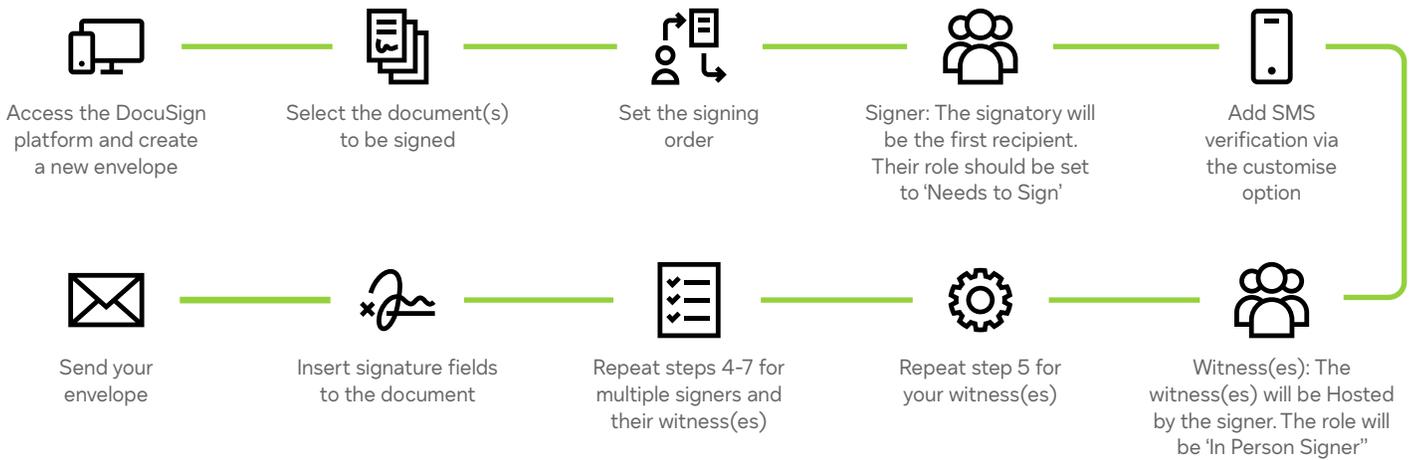


Workflow 4 – Hosted

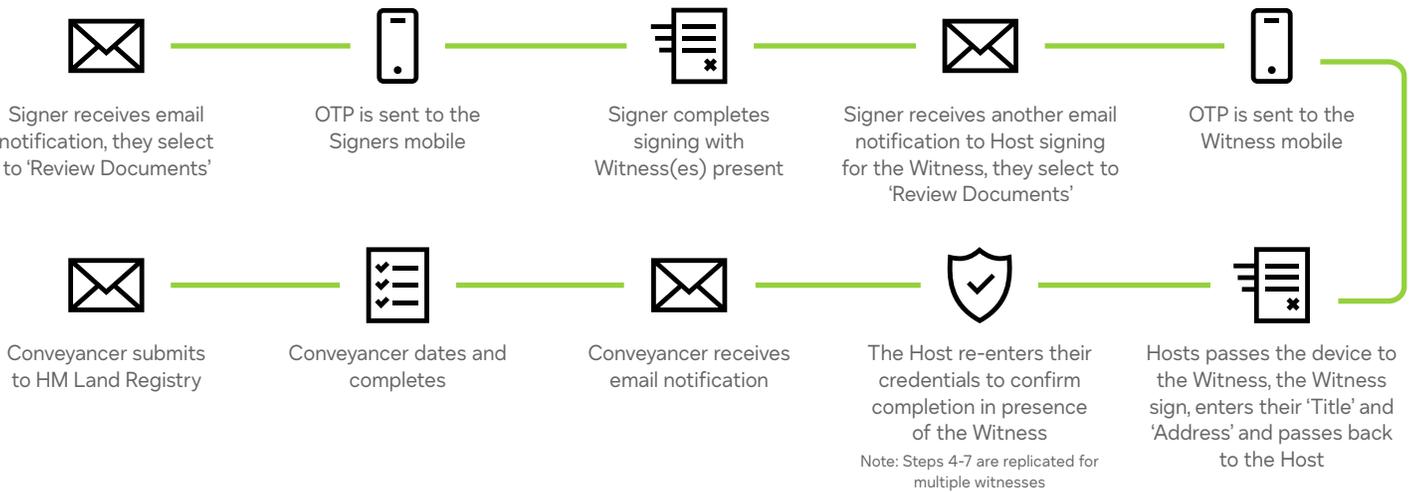
Use case: Multiple signers & witnesses, witness(es) are known

Product: DocuSign eSignature (using standard signing roles and in-person)

Envelope Creation



Signing



What's next?

We live in a world where change is constant and rapid. The COVID-19 pandemic has had a massive impact on the private, professional and regulatory sphere. The latest guidance of HMLR is an example of how rapidly things evolve.

We are honored to be in a position where we can support our customers with this exciting new development. We are further energized by the opportunity to continue to collaborate with both the innovative leadership of the HMLR and leading UK law firms in continuing to further improve the digital UK land registration experience. We truly enjoy such collaborations with government agencies, the legal community and the private sector on such important issues.

For more information about how DocuSign eSignature can support electronic witnessing generally or specifically for HMLR deeds and/or how you too can collaborate with DocuSign on our global efforts to help accelerate the world's digital transformation, please contact us.

Note

The highlighted eSignature workflows support current HMLR requirements for OTP. If you are proceeding with a witnessing act that does not need to adhere to the HMLR requirements (e.g., OTP), and wish to limit witness access to the agreement post-signing, you may consider using the **eWitness add-on feature** in DocuSign eSignature.

About DocuSign

DocuSign helps organisations connect and automate how they prepare, sign, act on and manage agreements. As part of the DocuSign Agreement Cloud, DocuSign offers eSignature: the world's #1 way to sign electronically on practically any device, from almost anywhere, at any time. Today, more than 500,000 customers and hundreds of millions of users in over 180 countries use DocuSign to accelerate the process of doing business and to simplify people's lives.

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