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### Committee on Urban Development, Housing and Land Management

#### Working Party on Land Administration

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#### Review of the programmes of work for 2018-2019 and 2020-2021:

#### Studies on selected topics in land management and land administration

### Study on Fraud in Land Administration Systems

#### Note by the Bureau of the Working Party

##### *Summary*

This information note presents the results of a study conducted by the Bureau of the Working Party on Land Administration after its eleventh session in February 2019. This is a follow-up study to the 2011 *Study on the Challenges of Fraud to Land Administration Institutions*<sup>1</sup> on fraud in land administration systems.

The 2019 study is based on a questionnaire to analyse the current state of play and best practices in addressing fraud in land administration systems in the ECE region. This study was expected to be finalized in 2020 but was delayed due to the COVID-19 pandemic.

The Working Party was requested, in 2021, to provide additional best practice examples to supplement the study, when available, and those received have been included.

The Working Party is invited to take note of this study and to request its Bureau to finalize it. When finalized, the study will be presented at the eighty-second session of the Committee on Urban Development, Housing and Land Management in October 2021.

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<sup>1</sup> <https://www.unece.org/index.php?id=24802>

## I. Introduction and scope of this study

At the fifth session of the Working Party on Land Administration, on 19 and 20 November 2007, the delegation of the United Kingdom introduced the issue of fraudulent use of electronic land registration data and related incidents of identity theft (ECE/HBP/WP.7/2007/10, paragraph 17). A study was prepared in 2011 (Study on the Challenges of Fraud in Land Administration Institutions) based on the results of a 2007 survey on online access to land registration information, completed by ECE member States, and carried out by the United Kingdom with subsequent analysis by the Bureau of the Working Party. The study's objectives were to identify good practices in the detection and prevention of fraud in land registration systems, necessitated by the public electronic availability of land and owner information in ECE member States. Its findings covered three main areas: accessibility of systems, experience of fraud and countermeasures. The study report argued that internal controls and checks should be strengthened, and sanctions should be imposed to detect, prevent and deter fraud. Furthermore, it argued that it is necessary to change public and staff attitudes in the creation of an anti-fraud culture. Almost all respondents agreed that sharing intelligence with other jurisdictions would be helpful, at least to identify common threats and compare best practices for detecting and preventing fraud.

It is widely accepted that, for the proper functioning of land and property related markets, people must be able to trust land administration systems; guarding against fraud is a measure that can enhance this trust. Therefore, the Working Party decided that an update of the 2011 study would be part of its programme of work. This study, Fraud in Land Administration Systems, presents the results of a follow-up questionnaire made in 2019.<sup>2</sup>

The Study on Fraud in Land Administration Systems defines registration fraud as where a fraudster attempts to or succeeds in inserting changes in the land register through fraudulent activity, to make some financial gain from a criminally acquired property or interest in a property. The study deals with registration fraud, including mortgage fraud and other frauds involving the misuse of land registration or cadastral data. In view of an increasing tendency to make land registration information available online, the study focuses particularly on fraud arising from the misuse of information obtained from online land registers and cadastres.

This study does not deal with internal corruption, for example, by land registry employees against employers, such as extortion, accepting bribes for expediting cases or falsifying records, thefts of cash, assets, or intellectual property (IP), or false accounting.

## II. Methodology

To facilitate an analysis of the current state of play in the ECE region, and to identify good practices, the Working Party sent out a questionnaire to land administration authorities in ECE member States, and 39 responses were obtained.

The survey asked about four main areas: (i) accessibility of systems and information, (ii) the use of counter fraud measures, (iii) analysis of fraud trends, and (iv) the impact of a notarial system on levels

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<sup>2</sup> The Bureau of the Working Party gratefully acknowledges the input of all survey participants, the valuable work of others before as referred to in this report, as well as all the assistance and advice from Working Party members and the ECE secretariat.

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of fraud. Where appropriate, respondents were asked to provide factual information about their systems and experiences. Where opinions were sought, respondents were asked to provide explanations and examples. The secretariat guaranteed that submissions would be kept anonymous due to the potentially sensitive nature of the information, that is, no individual country or jurisdiction would be identified. The only exceptions relate to information that is already in the public domain and those that gave permission to share their experiences as part of section VII. Good Practices.

Out of the 39 respondents<sup>3</sup>, 32 gave complete responses and 7 incomplete ones.

The analysis of the responses, together with the guidance, policy statements and other materials published by participating authorities, and subsequent consideration and review by the Working Party Bureau, came up with the good practice recommendations described in the final section of this report.

### **III. Accessibility of land title systems and information**

The use of electronic technology to store and process land registration data is a normal practice throughout the ECE region. All respondents hold land title registration information in a computerized/electronic format. Most land registration and cadastral authorities now utilize online systems to provide easy access to land information for the public. Since the 2007 survey, there has been a slight shift towards countries limiting what information is open to public inspection. However, there has not been an increase in the limits on what information can be available electronically.

Eighty-nine per cent of respondents make property-related information available to the public online: a rise from 60 per cent in 2007. There has also been a substantial increase in the number of respondents whose organizations either require online applicants to register their details before the information is supplied or have another method of identifying online applicants.

In some cases, information is available online to anonymous applicants. Over half of respondents limit the information that is available to anonymous users and there have been some marked increases in the limiting of all categories of information, except for proprietors' details.

Half of the respondents think that registration fraud in their jurisdiction is decreasing. Although this is a significant change from 2007 when nine per cent of respondents thought that fraud was decreasing, the respondents to the two surveys were not the same and so we cannot directly compare the results. Forty-six per cent of respondents believe that the level of fraud has stayed the same. Only 4 per cent believe that registration fraud is increasing. This belief appears to be grounded in evidence: 66 per cent of the respondents could identify now attempted fraudulent registrations, a substantial rise from the 28 per cent in 2007, and 52 per cent are monitoring trends in fraudulent registration. There is little solid statistical evidence to show that fraud in land registration systems has increased due to the introduction of online services. However, fraud and forgery exist wherever there is commercial activity and at least some law enforcement agencies consider ease of access to be a factor in a potential increase in registration fraud. Significantly, most respondents said that they were not identifying any significant trends in fraudulent activities following the introduction of electronic services, nor were

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<sup>3</sup> In the United Kingdom, land administration is a shared responsibility of the following authorities: Her Majesty's Land Registry for England and Wales, Registers of Scotland and Land Registers of Northern Ireland.

they identifying any clear links between fraudulent trends and the use of electronic services. Only 3 per cent said that there had been increased fraudulent activities linked to electronic services.

#### **IV. The use of counter fraud measures**

Seventy-five per cent of the respondents have now developed methods of detecting/preventing potentially fraudulent activities, an increase of 28 per cent from 2007. Ninety-six per cent believe those methods have been very or fairly successful and 60 per cent are regularly reviewing, evaluating and improving those measures.

In 2007, almost all respondents agreed that sharing intelligence with other jurisdictions would be helpful, at least to identify common threats and compare best practices for detecting and preventing fraud. It is therefore surprising that, in the 2019 survey, only 48 per cent responded that they have a network of key organizations in their own jurisdiction that coordinates efforts to combat fraud. No single organization can prevent fraud; working with a range of partners can help to identify threats, develop strategies, and implement countermeasures. An even higher number of respondents thought that sharing intelligence across the ECE region would be helpful in combating fraud. It is the recommendation of the Working Party Bureau that work be undertaken to investigate how this could work in practice.

#### **V. Analysis of fraud trends**

It is difficult to identify trends across the ECE region from the results of the survey as each jurisdiction operates differently. As the survey was anonymous, it was not possible to draw conclusions about the reasons for the reported lower levels of fraud without an understanding of the context. Additional information that would provide the necessary context could include: the number of transactions processed; identification and submission processes; whether national identification cards exist; whether the parties to the transaction are obliged to meet; property values; and what data is in the register. Further study is needed to understand the impact of different processes on the levels and type of fraud. This will bring a better understanding of how applicable issues are in different jurisdictions. For example, whether the ease of making a transaction affects the levels of fraud.

#### **VI. The impact of a notarial system on levels of fraud**

The results of the survey indicated that using a notarial system either reduces or eliminates fraud. However, some jurisdictions reported that this impact is due to the move away from doing transactions in person towards electronic services. Further study of the notarial system could identify how it prevents fraud and whether its elements could be applied in jurisdictions that do not have such a system to reduce fraud.

#### **VII. Good practices**

The move towards electronic services has resulted in changes to registration processes or the introduction of new ones. Some of these changes may be specific to preventing fraud, but others are intended to make property transactions easier. Where the latter is the case, care has been taken not to create new ways in which fraud can be committed.

##### **i. Finland**

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In Finland electronic signatures have been linked to bank verification systems. From 2013, the National Land Survey of Finland has enabled electronic property transactions as well as electronic mortgaging. There are several uses of electronic identification to secure the identities of conveyance parties. The electronic service for verification is organized in collaboration with public administration services. Methods for identification include: online banking use identifiers provided by banks; electronic identity cards issued by Finnish police; mobile identification issued by mobile operators and linked to mobile SIM card; or electronic identification, authentication, and trust services (eIDAS). An electronic signature using these identification methods has the same legally binding status as a conventional signature. The parties of conveyance may also authorize a third party to do the transaction (for example, a real estate broker or bank) in the same online system.

The introduction of the Property Transaction Service, maintained and managed by the National Land Survey of Finland,<sup>4</sup> made electronic conveyance of real estate possible. Strong electronic identification methods, such as the identification devices and services of many Finnish banks, verify the identity of the seller of the real estate. Once verified, the seller can log in to the Property Transaction System and the system automatically checks the Land Register for any real estate titles registered under the seller's name. By clicking on the *Accept* button, the system creates the actual electronic signature and connects the expression of will, that is, the electronic acceptance, with the actual deed of sale (the electronic deed document processed by the seller).

When it comes to the buyer, the procedure is similar to that for the seller. The official system of the National Land Survey sees the strong electronic identification of the buyer/seller, management of the technical features of the legally binding acceptance and the actual electronic signatures as important factors in enhancing the reliability of real estate digital transactions. The application for registration of a title becomes automatically pending after the seller has signed the electronic deed document in the System. This can reduce the risk of double selling. After the conclusion of the sale in the Property Transaction System, the Land Register immediately detects the information on the pending application. One can also apply for mortgages as well as transfer of electronic mortgage documents via the same system. The system also checks the legal status of an applicant and the right to submit the application concerned.

The Finnish electronic mortgage system provides information on mortgages in the registered title and mortgage register, as well as supplementary information on the name of the holder of the mortgage. The holder of a specific mortgage is usually the owner of the real estate or the creditor, usually a bank. The Property Transaction System allows the current registered holder of the mortgage to apply for a change on the mortgage information in the title and mortgage register, as when transferring an electronic mortgage document to a new holder. There are no actual documents in the process, only electronic information on the holder of the registered mortgage.

The legality of the mortgage transfer is secure because the identification methods used to verify the identity of an applicant are strong. However, the application can also be submitted in writing. In all cases, the right of the applicant to submit the application (that the applicant is the current holder of the mortgage) is checked. To enhance further the security of the transfer of electronic mortgage documents the holder who applied for the transfer is notified of the change in the name of the holder of the mortgage immediately after the decision on the matter has been made. The electronic contact

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<sup>4</sup> Finland, Code of Real Estate (540/1995), 4.2.2011, chap. 5, sect. 3. Available at <https://finlex.fi/fi/laki/ajantasa/1995/19950540#O2L5P3>.

information of the Land Register Authority on the current holder of the mortgage makes possible the sending of notification.

## **ii. Ukraine**

One of the most significant measures employed to prevent fraud concerning land relations is the principle of extraterritoriality introduced by the decree of the Cabinet of Ministers of Ukraine “On some issues of implementation of the pilot project on introduction of principles of extraterritoriality in the state registration of land plots” of 30 June 2020. The decree states that the state registrar for the registration of a land plot would be selected on a random basis. This measure would drastically reduce a possibility of fraud because the registrar is assigned to represent another territorial unit of the State Geo Cadaster.

The Decree also initiated online registration of land plots, which offers filing of necessary documents through a web-based<sup>5</sup> resource where digital signature is used in the process. This also allows the prevention of fraud. In addition, the adoption of the law of Ukraine “On National Infrastructure of Geospatial Data” of 13 March 2020 is a crucial development concerning transparency. The law provides the only large-scale geoportal of open data, which includes information on land, water, forest resources, landowners etc., giving access to the public on any of the information at any time. The law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Counteracting Raiding” particularly includes a provision on the immediate access to the State Land Cadaster and State Register of Real Rights to Immovable Property. This allows for prevention of cyberattacks giving access to documents of property.

The decree “On approval of the procedure for the registration of objects of state examination of land management documentation and a standard form of its conclusion” allows for the submission of documents to be examined by the state authority responsible for land management documentation and receiving the results in an electronic format. In addition, the decree eliminated the need to obtain a cover letter from the relevant territorial body of the State Geo Cadaster before sending the object of examination to the Central Office. A QR code checks the authenticity of the state examination. The online submission of land management documentation is available on an ongoing basis.

## **iii. Poland**

In Poland, the applicant for an online transaction is verified using a trusted profile, qualified signature, or electronic banking. To complete most transactions, one has to log in to the Electronic Platform of Public Administration Services (ePUAP).

## **iv. United Kingdom (Scotland)**

In the United Kingdom, Registers of Scotland has recently changed its fraud prevention process to ensure that all applications submitted by individuals (not being a solicitor) are referred to the Fraud Prevention Team, rather than just certain types. The higher risk applications of Scotland increase the potential to prevent or detect fraud. Where a non-legally qualified person submits an application for registration, they are also required to submit an Identification (ID) Form verified by an approved third party. If no completed ID form is submitted, the application will be rejected. Also, if any new registration processes are introduced, fraud prevention measures are included as part of a wider risk

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<sup>5</sup> <https://e.land.gov.ua/services>

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assessment exercise. A full review of fraud prevention processes is presently being undertaken and further changes are expected to be introduced in due course.

The Registers of Scotland presently offer a Digital Discharge Service (DDS) which requires the user to be verified within a secure closed platform, and deeds to be executed by either the Keeper of the Registers of Scotland's own advanced electronic signature or by an eIDAS-compliant qualified electronic signature (QES). A high degree of identification must be met to qualify for DSS. The Registers of Scotland uses the Cabinet Office Guidance 45 paper for ID verification policy and the eIDAS regulation for QES.

#### **v. Russia**

In Russia, to apply for the public services, provided by Rosreestr in electronic form, an enhanced qualified electronic signature (UKEP) is required<sup>6</sup> (although property owners are entitled to ban the use of some electronic procedures concerning their real properties, e.g. to claim the transition of rights to be made only at their personal presence).

At the same time, Rosreestr has requirements for a qualified certificate of the electronic signature verification key. It consists of an object identifier, which determines the authority of a UKEP owner and the permitted types of data that can be requested on a paid or free basis. This certificate can only be obtained at certification centers that comply with the requirements described above.

In July 2020, amendments to the Federal Law No. 63-FZ "On Electronic Signature" came into force. Their purpose was to reduce the risks of fraud with an electronic signature. The updated law stipulates that one can get the UKEP only in person at one of the certification centers or confirm identity with passport's biometrics or via the Unified Biometric System. Moreover, the requirements for certifying centers were tightened and the procedure for accreditation of a "trusted third party" (a legal entity that verifies an electronic signature in relation to the person who signed an electronic document) was established to ensure confidence in the exchange of data and electronic documents.

The Rosreestr has observed the incidence of fraud with using electronic signature for registration of real property and for inquiring information from the Rosreestr's systems. In those cases, the electronic signatures were prevented in accordance with the requirements of the Russian legislation.

#### **vi. United Kingdom (England and Wales)**

HM Land Registry has a special fraud team which was established in 2006. The team is classified within Schedule 7 Competent Authorities of the Data Protection Act 2018<sup>7</sup> as an authority with investigating functions. The team has matured over the last 15 years and has two distinct functions. Firstly, the gathering and dissemination of intelligence in real time to allow caseworkers to prevent

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<sup>6</sup> The most popular electronic services of Rosreestr:

- cadastral registration of property objects;
- registration of rights to real property;
- registration of mortgage;
- registration of agreements on share participation in housing construction;
- provision of information from the Unified State Register of Property Rights (an enhanced qualified electronic signature is required under some conditions, e.g. if the applicant is acting under the power of attorney).

<sup>7</sup> <https://www.legislation.gov.uk/ukpga/2018/12/schedule/7>

frauds from being entered onto the register and secondly, a strategic arm which works within the three lines of defense assurance model. The strategic team is responsible for the analysis of fraud trends, internal and external fraud training, fraud risk assessment (in accordance with Cabinet Office standards) as well as providing advice on future proofing new products and services.

HMLR contributes to the cross-Government Fraud Error and Debt agenda and supports other wider counter fraud initiatives. The fraud team also shares fraud data with law enforcement, specified anti-fraud organizations and regulators.

In 2010 HMLR launched its Property Alert monitoring service. This is an award-winning free property monitoring service aimed at anyone who feels a registered property could be at risk from fraud. Property Alert in conjunction with the fraud reporting line has successfully detected and prevented frauds. A similar service was launched by the Eire Land Registry in 2019.

As registration will often occur after a fraud has been perpetrated, HMLR is working on moving fraud detection upstream so that conveyancers can prevent frauds from taking place and therefore positively preventing frauds from being registered. Improving identity checking within the conveyancing process will prevent impersonation of registered owners, as the threat from identity theft continues to be a significant factor in registered title fraud. HMLR is seeking to adopt a similar system to that currently used by New Zealand's Land Registry, called the Safe Harbour Principles. If this is accepted by conveyancers and they comply with a set of identity checking standards agreed by HMLR they will be safe from HMLR pursuing them for negligence if a transaction proves to be fraudulent. Further work is also being explored to make it harder for fraudsters to impersonate an owner by allowing Qualified Electronic signatures within England and Wales.

#### **vii. Other jurisdictions<sup>8</sup>**

When submitting an application online for change in the cadastral map and the cadastral register of the properties, the application must be signed with an electronic signature, which guarantees the identification of the applicant. The data in the cadastral map and the cadastral register are public and every citizen can check the legal status of his or her property.

The following have been introduced:

- A mandatory preparation of electronic cadastral data files of land parcels was introduced (no corrections are possible in the files);
- Unified electronic services for checking/agreeing on electronic cadastral data files of land parcels were created (there is no direct contact between the surveyor and the person who checks the electronic file);
- Tools to ensure checking of electronic cadastral data files submitted by surveyors are in consecutive order were introduced;
- If the right *in rem*<sup>9</sup> to real property, restrictions of this right, legal facts arise from the conclusion of a notarised transaction, a certificate of inheritance right and/or a certificate of ownership is issued; the application for registration of the rights *in rem*, restrictions on these rights, legal

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<sup>8</sup> Some anonymous examples were received for inclusion in this study.

<sup>9</sup> In an *in rem* action, which is an action brought directly against a property interest, a state can validly proceed to settle controversies with regard to rights or claims against tangible or intangible property within its borders, notwithstanding that jurisdiction over the defendant was never established.

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facts and documents certifying the rights *in rem*, transmitted to the territorial registrar only by means of communication from the notary office.

The good practices identified in the responses to the survey should be considered alongside policy advice, statements and other material published by the participating jurisdictions. With jurisdictions providing increasing online access to land information and registration services, there is a corresponding need to:

- Understand and manage the risk of external fraud
- Deter and prevent external fraud
- Detect and investigate external fraud and impose sanctions.

#### **a. Understanding and managing the risks of fraud**

Some authorities have taken a strategic approach in order to understand and manage the risks of fraud in general, including fraud in online land registers. The benefits of this approach are that it:

- Fits in with good corporate governance, enabling fraud risk to be managed in the same way as managing any other business risk: systematically at both the organizational and operational level
- Can help with developing a range of measures, which apply proportionate and well-targeted pressure at all levels of the problem
- Enables a cost-effective approach to tackling fraud by focusing on areas of greatest impact
- Can be an effective way of communicating to staff what the authority seeks to achieve and what is expected from them.

This strategic approach includes data controls and consideration of the potential impacts of open data, which are key elements in how jurisdictions manage and mitigate the risk of fraud.

#### **b. Detecting and investigating online fraud**

Registered title fraud is often not detected until sometime after the event, when an innocent party who has been defrauded notifies authorities. However, frauds can be detected in a number of ways even before they have been completed and/or registered. Referrals may come from staff members who suspect a fraud. Members of the public may contact authorities about their suspicions. Authorities may also use a range of techniques and technologies to identify suspicious activity for further investigation. They may also carry out special pro-active exercises to detect fraud in high-risk areas. Fraud investigators may develop their own intelligence by following leads on existing cases where there may be links to other frauds. Each jurisdiction develops detection and prevention methods that suit their own processes.

For security reasons, it is not possible to say more about the methods by which fraud is detected and prevented.

### **VIII. The impact of the COVID-19 pandemic**

In some jurisdictions, new electronic or digital services which were not planned have been introduced or planned services have been accelerated due to the COVID-19 pandemic. The jurisdictions which reported having done this say that no additional or new fraud concerns have been raised by stakeholders or customers. In most cases, stakeholders and customers have acknowledged the added security that electronic and digital systems provide over a paper process.

In Finland, when it comes to land registration at least one new service can be mentioned. As of 10 December 2020, customers can send supplementary documents pertaining to pending applications of title registration via an electronic customer service interface. There is no need to send documents by e-post. The new service may not have a direct link to COVID-19 pandemic but it also reduces the need to visit service points personally. There have not been any new innovations concerning the electronic Property Transaction System. However, the number of users of that service has increased during the pandemic. This increases the pressure to develop the system, juridically and technically, further in the future. A digital innovation or enhancement that can be mentioned in this context is, however, the new legislation concerning the participation of the interested parties in the meetings or hearings held in connection with the cadastral procedures. The interested parties can participate in the meetings via technical measures, without being physically present. This legislation has been passed on account of the COVID-19 pandemic. The legislation came into force on 5 May 2020. According to the provisions of the Act concerned the legislation was only meant to be in force the rest of the year 2020. However, the time period for its validity has been extended to cover also the first half of the year 2021. This kind of legislation would be consistent with the general digitalization goals, not only in connection with the current pandemic.

In Poland, due to the pandemic, many companies moved their businesses online. Therefore, the implemented solutions enabling quick access to basic information about parcels and buildings turned out to be irreplaceable. From the widely available geoportal service ([geoportal.gov.pl](http://geoportal.gov.pl)), it is possible to generate a map of land and building registry of the entire country. This is provided by the National Land Registry Integration (KIEG) service. In January 2021, the KIEG service received 210 million calls and 4.8 billion calls since its inception. Under one website this service integrates the WMS service of districts with geodata of parcels and buildings. The KIEG service presents data directly from the district resources (regularly updated by the *starost*<sup>10</sup>). The Service for Location of Cadastral Parcels (ULDK) was implemented to locate parcels from any area of the country faster and more efficiently. In addition, the functionalities necessary for communication of *poviat*<sup>11</sup> systems used to keep land and building register with public registers<sup>12</sup>, as a solution to improve the flow of information from the above-mentioned registers. The use of this type of services by *poviat* systems has allowed *poviats* to use data from state registers, which has a direct impact on the improvement of the operation of some administrative bodies (e.g. *starosties*<sup>13</sup>, communes, tax authorities).

In the United Kingdom (Scotland), as a result of the COVID-19 pandemic, Registers of Scotland has introduced a Digital Submission Service (DSS) for stakeholders who have a finance account with them – that is, mainly solicitors but also local authorities, other public bodies, and property factors. Their website provided introductory guidance and a short demonstration video when this system was introduced. This is an accelerated system as DSS is viewed as a stepping-stone for the COVID-19 period, as a hybrid between a paper process and a full digital registration process. In future, the Registers of Scotland aims to increase digital registration with all deeds being created, signed by way of QES and submitted electronically. However, further consideration will be required for non-solicitor applications.

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<sup>10</sup> Nobleperson who possessed a starosty (A castle and domain conferred on a nobleperson for life)

<sup>11</sup> Second-level unit of local government and administration in Poland. Can be referenced in English as a county or district.

<sup>12</sup> Electronic Land and Mortgage Register (EKW), Personal ID Number (PESEL), National Business Registry Number (REGON)

<sup>13</sup> A castle and domain conferred on a nobleperson for life

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In response to the COVID-19 outbreak, Her Majesty's Land Registry (England and Wales, UK) has been regularly reviewing its practice, policy and procedures, taking guidance from customer feedback. In May 2020, HM Land Registry introduced temporary changes for verifying a person's identity and for signing deeds. In practice that meant that, in addition to conveyancers and chartered legal executives, people who work or had worked in certain professions could undertake verification, including:

- Retired conveyancers, chartered legal executives, solicitors and barristers
- Bank officials and regulated financial advisers
- Medical doctors, dentists and veterinary surgeons
- Chartered and certified accountants
- Police officers and officers in the UK armed forces
- Teachers and college and university teaching staff
- Members of Parliament and Welsh Assembly members
- UK civil servants of senior executive officer grade or above
- Magistrates.

HM Land Registry also began to accept deeds that had been signed using the "Mercury signing approach". This means that, for land registration purposes, a signature page needs to be signed in pen and witnessed in person (not by a video call). The signature then needs to be captured, with a scanner or a camera, to produce a PDF, JPEG or other suitable copy of the signed signature page. Each party sends a single email to their conveyancer with attached copy of the final agreed document and a copy of the signed signature page.

HM Land Registry had been exploring electronic signature options for some time but the work gathered real pace in 2020 with the aim of providing digital services in a safe and secured way. Many customers want to be able to use electronic signatures to sign transfers and other dispositions of registered and unregistered land. The legal framework has been in place since 2003 but advances in technology in recent years are making it much easier to sign a document electronically.

From July 2020, HM Land Registry accepted "witnessed electronic signatures": electronic signatures that enable an individual to sign legal documents, but which still require a witness present at that time to sign also the documents electronically. The "Mercury signing approach" remained as another way of completing a deed.

HM Land Registry is holding further discussions with the property sector to explore the potential introduction of qualified electronic signatures as soon as practicable. If they develop to be a successful option for completing property transactions, HM Land Registry will review the continued use of witnessed electronic signatures.

Work is also being undertaken to explore whether digital identity checking technology used in other sectors can be encouraged in the conveyancing industry to increase resilience against fraud and improve the ease of buying and selling. The first Digital Identity Standard of HM Land Registry was launched in March 2021. It provides a step-by-step list of requirements for the use of digital services to verify identity online securely and conveniently.

The new standard is optional; however, it offers a "Safe Harbour" for those conveyancers who meet the requirements. The HM Land Registry would not seek recourse against a conveyancer in the event their client was not who they claimed to be. It also provides enhanced security by requiring the use of

smartphones to extract encrypted information contained within the chips of documents such as passports.

Another jurisdiction has offered an electronic seal, which ensures the integrity and authenticity of electronic documents, and can be useful for companies and organizations when exchanging e-documents, submitting certificates or reports, and for state and municipal institutions when issuing electronic certificates and other documents.

## **IX. Recommendations**

In 2007, almost all respondents agreed that sharing intelligence with other jurisdictions would be helpful, at least to identify common threats and compare best practices for detecting and preventing fraud. An even higher number of respondents to the questionnaire thought that sharing intelligence across the ECE region would be helpful in combating fraud. It is the recommendation of the Working Party Bureau that a secure platform be established for ECE member States to share lessons learnt and best practices and that work be undertaken to investigate how this could function in practice, taking into account security considerations. The intention would be to establish a secure platform where counter fraud teams could share information on common threats and how they use processes in their jurisdictions to check and block fraud.