



It has come to the notice of both the Technology and Conveyancing Committees that the issue of booklets of title by builders' solicitors on CD ROM / DVD is starting to become prevalent. Both committees agree that the procedure should only be used to issue documentation where the title is Land Registry and relates to new housing estates only.

This practice note is accordingly being issued by the Conveyancing and Technology Committees so that practitioners are aware of the practice recommended by both committees and that the matter is receiving the continuing attention of both committees.

It should be emphasised that given the speed of the development of technology and the current e-conveyancing initiative being carried out by the Law Reform Commission, it is likely that the comments in this practice note may not represent the views of the Committees for more than the short term.

The following is a summary of the committees' views on the matter.

1. While the committees are not endorsing the practice, they are aware that it is occurring, and, if it is being adopted, the following matters are considered by the committees to be good practice:
 - The purchasers' solicitors are entitled to obtain the documentation in hard copy at any time.
 - All closing documents must be in hard copy.
 - The procedure is only appropriate to Land Registry cases and particularly new developments.
 - The furnishing of documentation by this method should be by agreement only and should not be imposed.
 - When issuing a booklet of title on CD ROM the vendor's solicitor's initial letter should contain the following sentence "You are entitled to receive a hard copy of this booklet of title immediately on request".
2. It must be borne in mind that even if there is agreement between the builder's solicitor and the purchaser's solicitor in the matter, such agreement may not necessarily extend to the lending institution or a subsequent purchaser's solicitor. It should further be borne in mind that the standard certificate of title envisages the delivery of hard copies of the documentation to the lending institution.
3. The matter remains under review.

Where a booklet of title is being provided on CD ROM/DVD, the following procedures should be observed:

LAND REGISTRY BOOKLETS OF TITLE ON CD-ROM FOR NEW HOUSES



**LAND REGISTRY
BOOKLETS OF TITLE
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(Contd.)

- The materials should be accessible in an openly readable format, e.g. Adobe Acrobat.
- The format should also preserve the security of the original documents.
- All materials should be clearly indexed (by way of page number) and the index of documents should comprise the first page of the materials on the CD ROM / DVD. All pages should be numbered.
- The index should indicate the date on which the materials were compiled.
- The CD ROM/DVD itself should be physically marked or labelled to generally indicate its contents and the date of its production.
- All materials should be easily printable in their entirety and clearly readable in their printed form.

Practitioners are also reminded of the issues dealt with in the practice note on the storage of documents in electronic format which deals with similar matters (published in the April 2005 issue of the Gazette, p37, and on the Law Society's website at www.lawsociety.ie/newsite/documents/committees/retention.pdf).