

Mortgage Certificates Register Ordinance (SFS 1994:598)

(with amendments up to and including SFS 2006:157)

Introductory provision

Section 1. This Ordinance applies to registration and other measures pursuant to the Mortgage Certificates Register Act (1994:598).

Register data

Section 2. For every mortgage entered in the Mortgage Certificates Register, the register shall indicate

1. the mortgage application date and the dossier number assigned by the land registration authority,

2. the mortgage registration date.

Where relevant, the register shall indicate

1. the name of the mortgage certificate holder and the date when the mortgage certificate holder was registered,

2. particulars indicated in Section 9, second sentence, of the Mortgage Certificates Register Act (1994:448),

3. decisions pursuant to Section 10 or 11 of the Mortgage Certificates Register Act.

In connection with accounting of mortgage certificates as referred to in Section 4 (3) of the Mortgage Certificates Register Act, the register shall also indicate the further particulars required for identification of the mortgage certificate.

Registration of new mortgages

Section 3. A registration application pursuant to Section 5 of the Mortgage Certificates Register Act (1994:448) shall be submitted to the land registration authority in connection with a mortgage transaction.

Conjointly with its decision in the registration transaction, the land registration authority shall notify the National Land Survey (the Authority) of the application. The notification shall be effected with the aid of automatic processing.

Section 3 a. In connection with registration pursuant to Section 5 of the Mortgage Certificates Register Act (1994:448), the Authority shall send notification of the measure to the party registered as mortgage certificate holder or, through the measure taken, to be deemed mortgage certificate holder, if that party is not the applicant in the transaction.

Registration of mortgages granted previously

Section 4. Prescriptions concerning the preservation of mortgage documents referred to in Section 23 of the New Land Code (Implementation) Act (1970:995) and submitted in registration transactions pursuant to Section 6 of the Mortgage

Certificates Register Act (1994:448) are issued by the Authority after consulting the National Archives.

Section 5. In connection with registration pursuant to Section 6 of the Mortgage Certificates Register Act (1994:448), the Authority shall send notification of the measure to the party registered as mortgage certificate holder or, through the measure taken, to be deemed mortgage certificate holder, if that party is not the applicant in the transaction.

Notification may be effected with the aid of automatic processing if the party to be notified has consented thereto.

Registration of mortgage certificate holder, etc.

Section 6. On taking a registration measure pursuant to Section 7 or 7 a of the Mortgage Certificates Register Act (1994:448), the Authority shall send notification of the measure to

1. the party who is the applicant in the transaction, and
2. the registered as mortgage certificate holder or, through the measure taken, to be deemed mortgage certificate holder.

If the applicant has been represented by an agent who has not produced written power of attorney, both the applicant and the agent shall be notified.

Notification may be effected with the aid of automatic processing if the party to be notified has consented thereto.

Issue of written mortgage certificates

Section 7. A written mortgage certificate pursuant to Section 8 of the Mortgage Certificates Register Act (1994:448) is used by the Authority on a form adopted by the Authority after consulting the National Courts Administration.

The mortgage certificate shall contain particulars of

1. the mortgage amount, in letters and figures, and the mortgage currency,
2. the property unit or units for which the mortgage has been granted or to which it has been extended or the site leasehold for which the mortgage has been granted,
3. the property unit or units or the site leasehold to which the mortgage applies at the time of the mortgage certificate being issued,
4. the mortgage application date and the dossier number assigned by the land registration authority,
5. the land registration authority within whose area the property or site leasehold is situated,
6. other conditions relating to the mortgage and of importance for assessment of the right which the mortgage confers by law.

The mortgage certificate shall also contain a statement of its issue by the Authority, together with the date of issue.

Section 8

On issuing a written mortgage certificate pursuant to Section 8 of the Mortgage Certificates Register Act (1994:48), the Authority shall send notification of the measure to the party who is applicant in the transaction.

If the applicant has been represented by an agent who has not produced written power of attorney, both the applicant and the agent shall be notified.

Notification may be effected with the aid of automatic processing if the party to be notified has consented thereto.

Impediments to de-registration

Section 9. A request for cancellation of an impediment to de-registration pursuant to Section 10 (2) of the Mortgage Certificates Register Act (1994:448) shall be submitted to the land registration authority. The land registration authority shall immediately notify the Authority of the request. The notification may be effected with the aid of automatic processing.

Change of name

Section 10. If a registered mortgage certificate holder changes his name, the Authority, on notification being received, may enter the new particulars in the register.

Rectification etc.

Section 11. If the Authority finds a statement in the Mortgage Certificates Register to be incorrect, it shall, if the error cannot be rectified immediately and is of such a kind as to entail uncertainty regarding the legal position, directly note the fact in the register. The note shall be removed from the register as soon as rectification has taken place.

If a resolution to register a mortgage or to register or de-register a mortgage certificate holder has been appealed, this shall also be noted in the register. The note shall be removed when the appealed decision has acquired force of law.

Permission to be registered as mortgage certificate holder

Section 12. Application as provide in Section 14 of the Mortgage Certificates Register Act (1994:448) shall be made in writing to the Authority. The applicant shall submit the documents invoked in support of the application.

Before granting permission or revoking permission granted previously, the Authority shall, except where this is unnecessary, give the Swedish Financial Supervisory Authority an opportunity of making a statement in the matter.

Electronic submission

Section 13. The Authority may issue provisions

1. to the effect that a party other than the one receiving permission under Section 14 of the Mortgage Certificates Register Act (1994:448) may enter applications, consents and requests for the disclosure of particulars through the medium of an electronic document,

2. concerning the technical procedure when applications, consents and requests are submitted to the Authority through the medium of an electronic document or otherwise with the aid of automatic processing.

The holder of a permit under Section 14 of the Mortgage Certificates Register Act shall notify the Authority of any change of personnel organisation or other circumstance necessitating the issue, alteration or cancellation of a password.

Further provisions on technical procedure

Section 14. The Authority may issue prescriptions concerning the technical procedure for maintaining the Mortgage Certificates Register.

Charges

Section 15. In registration or de-registration transactions pursuant to the Mortgage Certificates Register Act (1994:448) the applicant shall pay charges as per the following.

Registration of a new mortgage (Section 5) SEK 5

Registration of a mortgage granted previously (Section 6) SEK 4

Registration of mortgage certificate holder (Section 7), per mortgage SEK 5

De-registration or change of mortgage certificate holder (Section 7 a), per mortgage SEK 5

De-registration with issue of written mortgage certificate (Section 8, first sentence) SEK 20

Section 15 a. The Authority may issue provisions to the effect that a charge as provided in Section 15 shall be payable when an application is entered. If the Authority has issued provisions to this effect and the applicant has not paid the charge, the applicant shall be ordered to pay the charge within a certain time. If this injunction is not complied with, the application shall be refused. The applicant shall be notified to this effect in the injunction.

Section 15 b . The Authority may issue provisions in derogation of the provisions of Section 15.

Section 16. Provisions concerning appeal to a general administrative court are contained in Section 22 a of the Administrative Procedure Act (1986:223). Decisions other than decisions concerning charges may not, however, be appealed.