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SCHEDULE

CONSTITUTION AND PROCEEDINGS, ETC., OF THE AUTHORITY

Execution of documents, etc.

- 19 (1) This paragraph has effect in relation to the execution of any document by the Authority under the law of Scotland.
- (2) For any purpose other than those mentioned in sub-paragraph (3) below, a document is validly executed by the Authority if it is signed on behalf of the Authority by a member or by the chief executive or by a person authorised to sign the document on its behalf.
- (3) For the purposes of any enactment or rule of law relating to the authentication of documents under the law of Scotland, a document is validly executed by the Authority if it is subscribed on behalf of the Authority by two of its members, or by one of its members and the chief executive, notwithstanding that such subscription is not attested by witnesses and the document is not sealed with the Authority's common seal (if it has a common seal).
- (4) A document which bears to be executed by the Authority in accordance with sub-paragraph (3) above is, in relation to such execution, a probative document.
- (5) Sub-paragraphs (2) and (3) above are without prejudice to any other method of execution of documents available to the Authority under any other enactment or rule of law.
- 20 (1) Under the law of England and Wales a contract may be made—
- (a) by the Authority, if it has a common seal, by writing under that seal; or
 - (b) on behalf of the Authority, by any person acting under its authority, express or implied,
- and any formalities required by law in the case of a contract made by an individual also apply, unless a contrary intention appears, to a contract made by or on behalf of the Authority.
- (2) The remaining provisions of this paragraph have effect with respect to the execution of documents by the Authority under the law of England and Wales.
- (3) A document is validly executed by the Authority if—
- (a) the Authority has a common seal and that seal is affixed to the document; or
 - (b) whether or not the Authority has a common seal, the document is signed by two of its members, or by one of its members and the chief executive, and expressed (in whatever form of words) to be executed by the Authority.
- (4) A document executed by the Authority which makes it clear on its face that it is intended by the person or persons making it to be a deed has effect, upon delivery, as a deed; and it shall be presumed, unless a contrary intention is proved, to be delivered upon its being so executed.
- (5) In favour of a purchaser a document shall be deemed to have been duly executed by the Authority if (whether or not a seal purporting to be that of the Authority has been affixed to it) it purports to be signed by two members of the Authority, or by one member and the chief executive, and, where it makes it clear on its face that it

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is intended by the person or persons making it to be a deed, to have been delivered upon its being executed.

A “purchaser” means a purchaser in good faith for valuable consideration and includes a lessee, mortgagee or other person who for valuable consideration acquires an interest in property.