



Co-operatives and Community Benefit Societies Act 2003 (repealed)

2003 CHAPTER 15

5 Execution of deeds and other documents

(1) After section 29A of the 1965 Act (which is inserted by section 4) insert—

“29B Common seal

- (1) Notwithstanding any enactment or rule of law, a registered society need not have a common seal.
- (2) If a registered society has a common seal, the society shall have its registered name engraved on the seal in legible characters.
- (3) If, after the coming into force of subsection (1) of this section, a registered society decides to have a common seal, it shall not cause such a seal to be made unless the registered rules of the society contain provision for the custody and use of that seal.
- (4) Section 62 of this Act does not apply in respect of an offence committed by a registered society under section 61 of this Act where the offence consists of a failure to comply with subsection (2) or (3) of this section.
- (5) Any officer of a registered society, or any other person acting on such a society’s behalf, who uses or authorises the use of any seal purporting to be the common seal of the society which does not have the society’s registered name engraved on it in legible characters shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section “enactment” includes an enactment comprised in—
 - (a) an Act of the Scottish Parliament;
 - (b) subordinate legislation, whether made under an Act or an Act of the Scottish Parliament.

Status: Point in time view as at 20/10/2003. This version of this provision has been superseded.

Changes to legislation: Co-operatives and Community Benefit Societies Act 2003 (repealed), Section 5 is up to date with all changes known to be in force on or before 26 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

29C Methods for execution of documents: England and Wales

- (1) The following provisions have effect with respect to the execution of documents by a registered society under the law of England and Wales.
- (2) A registered society may, if it has a common seal, execute a document by affixing that seal to it.
- (3) A document—
 - (a) signed by a member of the committee of a registered society and the secretary of the society, or by two members of that committee, and
 - (b) expressed (in whatever form of words) to be executed by the society, has the same effect as if it were executed under the common seal of the society.
- (4) A document executed by a registered society 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 a registered society if it purports to be signed by a member of the committee of the society and the secretary of the society, or by two members of the committee, and, where it makes it clear on its face that it is intended by the person or persons making it to be a deed, to have been delivered upon its being executed.
- (6) Subsections (3) to (5) of this section apply whether or not the society has a common seal; and, in subsection (5) of this section, “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.

29D Execution of documents: Scotland

- (1) Under the law of Scotland, for the purposes of any enactment—
 - (a) providing for a document to be executed by a registered society by affixing its common seal, or
 - (b) referring (in whatever terms) to a document so executed, a document signed or subscribed by or on behalf of the society in accordance with the provisions of the Requirements of Writing (Scotland) Act 1995 shall have effect as if so executed.
- (2) In this section “enactment” includes an enactment comprised in—
 - (a) an Act of the Scottish Parliament;
 - (b) subordinate legislation, whether made under an Act or an Act of the Scottish Parliament.

29E Power of society to have official seal for use abroad

- (1) This section applies to a registered society if—
 - (a) it has a common seal; and

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(b) its objects require or comprise the transaction of business in foreign countries.

- (2) The society may, if authorised by its registered rules, have an official seal for use in any territory, district, or place elsewhere than in the United Kingdom.
- (3) An “official seal” is a facsimile of the society’s common seal with the addition on its face of the name of every territory, district or place where it is to be used.

29F Effect of use of official seal

The official seal of a registered society when duly affixed to a document has the same effect as the society’s common seal.

29G Authorisation of use of official seal

- (1) If a registered society has an official seal, it may authorise any person appointed for the purpose as respects any territory, district or place appearing on the face of that seal to affix it to any deed or other document to which the society is party there.
 - (2) An authorisation for the purposes of subsection (1) of this section must be given—
 - (a) in the case of a society with its registered office in Scotland, by writing subscribed in accordance with the Requirements of Writing (Scotland) Act 1995; and
 - (b) in any other case, by writing under the society’s common seal.
 - (3) As between the society and a person dealing with such an agent, the agent’s authority continues—
 - (a) if a period is mentioned in the authorisation, during that period; or
 - (b) if no period is there mentioned, until notice of the revocation or determination of the agent’s authority has been given to the person dealing with him.
 - (4) The person affixing the official seal shall certify in writing on the deed or other instrument to which the seal is affixed the date on which and the place at which it is affixed.”
- (2) In section 3 of the 1965 Act (registration to effect incorporation of society), omit “a common seal and with”.
 - (3) In subsection (6) of section 5 of the 1965 Act (registered name of society) omit “engraven in legible characters on its seal and”.
 - (4) In subsection (7) of that section—
 - (a) omit paragraph (a); and
 - (b) in paragraph (b) for “that name” substitute “ the society’s registered name ”.
 - (5) Omit section 36 of the 1965 Act (provision about the execution of documents by societies in Scotland, which has been superseded and repealed there but which remains in force elsewhere).

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- (6) In section 76(2) of the 1965 Act (provisions which apply to Northern Ireland societies that have recorded their rules with the Financial Services Authority), for “26 to” substitute “26 to 29, 29B to 29D, ”.
- (7) For paragraph 13 of Schedule 1 to the 1965 Act substitute—
- “13 If the society is to have a common seal, provision for its custody and use.”
- (8) In section 91 of the Land Registration Act 2002 (c. 9) (formalities in relation to electronic dispositions) after subsection (9) insert—
- “(9A) If subsection (3) of section 29C of the Industrial and Provident Societies Act 1965 (execution of documents) applies to a document because of subsection (4) above, subsection (5) of that section (presumption of due execution) shall have effect in relation to the document with the substitution of “authenticated” for “signed”.”
- (9) The Schedule to this Act (which contains repeals made as a result of this section) shall have effect.

Commencement Information

II [S. 5](#) in force at 20.10.2003 by [S.I. 2003/2678](#), [art. 2\(2\)](#)

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