

## SCHEDULE 1

Article 10(1)

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### **Law of Property Act 1925**

1. Section 74 of the 1925 Act (execution by or on behalf of corporations) shall be amended in accordance with paragraphs 2 to 4.
2. After subsection (1A), inserted by article 7(1) above, insert—

“(1B) For the purposes of subsection (1) of this section, a seal purports to be affixed in the presence of and attested by an officer of the corporation, in the case of an officer which is not an individual, if it is affixed in the presence of and attested by an individual authorised by the officer to attest on its behalf.”.
3. In subsection (3) (execution of conveyance by individual in the name or on behalf of a corporation), after “witness” insert “who attests the signature”.
4. In subsection (4) (execution by corporation as attorney)—
  - (a) for “deed or other instrument” substitute “instrument by signing it”, and
  - (b) after “such other person” insert “or, if the instrument is to be a deed, by so signing it in the presence of a witness who attests the signature”.

#### **Powers of Attorney Act 1971**

5. Section 7 of the Powers of Attorney Act 1971(1) (execution of instrument by donee of power of attorney) shall be amended in accordance with paragraphs 6 to 8.
6. subsection (1) (effect of execution by donee), for the words from “document” to the end substitute “instrument executed or thing done in that manner shall, subject to subsection (1A) of this section, be as effective as if executed by the donee in any manner which would constitute due execution of that instrument by the donor or, as the case may be, as if done by the donee in the name of the donor”.
7. After subsection (1) insert—

“(1A) Where an instrument is executed by the donee as a deed, it shall be as effective as if executed by the donee in a manner which would constitute due execution of it as a deed by the donor only if it is executed in accordance with section 1(3)(a) of the Law of Property (Miscellaneous Provisions) Act 1989.”.
8. Omit subsection (3).

#### **Companies Act 1985**

9. Section 36A of the 1985 Act (execution of documents: England and Wales) shall be amended in accordance with paragraphs 10 to 12.
10. After subsection (4) insert—

“(4A) Where a document is to be signed by a person as a director or the secretary of more than one company, it shall not be taken to be duly signed by that person for the purposes of subsection (4) unless the person signs it separately in each capacity.”.
11. After subsection (7), inserted by article 7(2) above, insert—

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(1) 1971 c. 27.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“(8) For the purposes of this section, a document is (or purports to be) signed, in the case of a director or the secretary of a company which is not an individual, if it is (or purports to be) signed by an individual authorised by the director or secretary to sign on its behalf.”.

**12.** In Schedule 22 to the 1985 Act (application of provisions of that Act to unregistered companies), in the entries relating to Part 1—

- (a) in the first column, after “36A” insert “, 36AA”, and
- (b) in the second column, after “documents” insert “and deeds”.

### **Law of Property (Miscellaneous Provisions) Act 1989**

**13.** Section 1 of the 1989 Act (deeds and their execution) shall be amended in accordance with paragraphs 14 and 15.

**14.** In subsection (4) (interpretation of references to signing an instrument), for the words from “making” to the end substitute—

- “(a) an individual signing the name of the person or party on whose behalf he executes the instrument; and
- (b) making one’s mark on the instrument,  
and “signature” is to be construed accordingly.”.

**15.** In subsection (6) (interpretation) in the definitions of “disposition” and “purchaser”, for ““disposition” and “purchaser” have the same meanings” substitute ““purchaser” has the same meaning”.

### **Companies Act 1989**

**16.** In section 130(6) of the Companies Act 1989<sup>(2)</sup> (power to make regulations applying provisions of the 1985 Act to foreign companies), after “documents;” insert “execution of deeds;”.

### **Land Registration Act 2002**

**17.** At the end of section 91(9) of the Land Registration Act 2002<sup>(3)</sup> (application of section 36A of the Companies Act 1985 in relation to electronic conveyancing), insert “(and subsection (8) of that section, in so far as it relates to the document, shall be read accordingly)”.

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(2) 1989 c. 40.

(3) 2002 c. 9.