



Co-operative and Community Benefit Societies Act 2014

2014 CHAPTER 14

PART 4

A SOCIETY'S CAPACITY AND RELATED MATTERS

Execution of documents

53 Methods for execution of documents: England and Wales

- (1) This section contains provisions about the execution of documents by a registered society under the law of England and Wales.
- (2) A registered society which has a common seal may execute a document by affixing its common seal to it.
- (3) A document—
 - (a) signed by 2 authorised signatories (see subsection (6)), and
 - (b) expressed (in whatever form of words) to be executed by a registered society, has the same effect as if it were executed under the society's common seal.
- (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—
 - (a) has effect, upon delivery, as a deed, and
 - (b) is presumed to be delivered upon its being executed by the society, unless a contrary intention is proved.
- (5) In favour of a purchaser—
 - (a) a document is treated as duly executed by a registered society if it purports to be signed by 2 authorised signatories, and
 - (b) where it makes it clear on its face that it is intended by the person or persons making it to be a deed, is treated as delivered upon its being executed.

Changes to legislation: There are currently no known outstanding effects for the Co-operative and Community Benefit Societies Act 2014, Cross Heading: Execution of documents. (See end of Document for details)

“Purchaser” here 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.

- (6) For the purposes of this section, in relation to a society—
- (a) each of the members of the society's committee is an authorised signatory, and
 - (b) the society's secretary is also an authorised signatory.
- (7) Subsections (3) to (5) apply whether or not the society has a common seal.

Modifications etc. (not altering text)

- C1** S. 53(5) modified by 2002 c. 9, s. 91(9A) (as substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\), s. 154, Sch. 4 para. 80](#) (with Sch. 5))

54 Method for execution of contracts under seal: England and Wales

- (1) A contract which, if made between individuals, would be by law required—
- (a) to be in writing, and
 - (b) to be under seal (if made according to the law of England and Wales),
- may be made, varied or discharged on behalf of a registered society in writing under its common seal.
- (2) This section does not affect the application of the Corporate Bodies' Contracts Act 1960.
- (3) This section does not apply to Scotland.

55 Execution of documents: Scotland

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 (or, in the case of an electronic document, authenticated) by or on behalf of the society in accordance with the provisions of the Requirements of Writing (Scotland) Act 1995 has effect as if so executed.

56 Execution of documents: presumption of validity of officer's signature

- (1) This section applies to a document—
- (a) by which a contract is purportedly made, varied or discharged by or on behalf of a registered society, and
 - (b) which is purportedly signed by a person holding an office in the society.
- (2) The signature is presumed, unless the contrary is proved, to be the signature of a person holding that office at the time the signature was made.

Changes to legislation:

There are currently no known outstanding effects for the Co-operative and Community Benefit Societies Act 2014, Cross Heading: Execution of documents.