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| <b>Policy Name</b>                      | <b>Use of the Seal Policy</b> |
| <b>Policy Author</b>                    | <b>Director</b>               |
| <b>Approved by Sub Committee</b>        | <b>N/A</b>                    |
| <b>Approved by Management Committee</b> | <b>April 2022</b>             |
| <b>Latest date of Next Review</b>       | <b>April 2025</b>             |

West Whitlawburn Housing Co-operative will provide this policy on request at no cost, in larger print, in Braille, in audio or other non-written format, and in a variety of languages. Please contact the office.



**Registered with the Scottish Housing Regulator No. 203**  
**Registered Charity No. SC038737, VAT Registration No. 180223636**  
**Registered society under the Co-operative and Community Benefit Societies Act 2014**

## 1. Policy Statement

- 1.1 West Whitlawburn Housing Co-operative (WWHC) is committed to meeting all of its legal obligations and to complying with our own Rules. Part of meeting this commitment relates to how WWHC executes important documents and its use of the seal.

Examples of important documents include legal documents; contracts; annual returns; grant funding applications & claims, etc.

- 1.2 Rule 60 of the Co-operative's Rules refers:

### **Execution of Documents and Seal**

The Co-operative shall execute deeds and documents in accordance with the provisions of the Requirements of Writing (Scotland) Act 1995 and record the execution in the register. The use of a common seal is not required. The Co-operative may have a seal which the Secretary must keep in a secure place unless the Committee decides that someone else should look after it. The seal must only be used if the Committee decides this. When the seal is used, the deed or document must be signed by the Secretary or a Member of the Committee or another person duly authorised to subscribe the deed or document on the Co-operative's behalf and recorded in the register

- 1.3 This Policy will be implemented in accordance with the Scheme of Delegated Authority and the Authorised Signatories as stipulated in the Co-operative's Standing Orders.
- 1.4 The signing and witnessing of formal and legal documents on behalf of WWHC will be undertaken in accordance with the relevant provisions of the Requirements of Writing (Scotland) Act 1995 (the Act).
- 1.5 The use of WWHC's seal will comply with the Rules.

## 2. Procedure

- 2.1 The appropriate Senior Staff Member, will ensure that the necessary arrangements are made when a document requires to be signed (and witnessed), **except** in the case of Tenancy Agreements for which the signing and witnessing arrangements will be made by Tenant Services staff.

- 2.2 Before signing an important document, signatories must ensure that the Scheme of Delegated Authority and Authorised Signatories in Standing Orders has been complied with – if the outcome of that check shows that either of these would be breached by signing the document, the document should not be signed and the matter should be referred to the Director.
- 2.3 Documents, which are classed as VALIDLY SIGNED in the terms of the Act, will require one authorised signature only.
- 2.4 The Requirements of Writing (Scotland) Act 1995 makes provisions for the formal execution of deeds in Scotland, meaning that the deed proves itself and contents in legal proceedings without further evidence, having been formally executed by a party who is in full agreement with the terms of the document. This act means that any member of a management committee can sign documents, which will be legally binding, provided that signature is witnessed. The Act provides that formal writing is required only in the following instances:
- 2.4.1 the creation, transfer, variation or extinction of an interest in land, otherwise than by operation of a court decree, enactment or rule of law and a contract or unilateral obligation relating to such an interest in land;
- 2.4.2 the creation of a gratuitous unilateral obligation except an obligation undertaken in the course of business (not a major feature of commercial dealings, but they do sometimes arise in a business context. Examples: promise to keep an offer open for a certain period of time; promise to renegotiate the terms of a contract.
- 2.5 WWHC will follow the formal writing rules when executing any legal document. WWHC will seek professional advice on this as is necessary.
- 2.6 Documents, which are classed as VALIDLY SIGNED and Formal in the terms of the Act, will require one authorised signature and one witness - a “witness” will be any Committee Member or member of staff present at the time a document is signed. When a document requires to be witnessed, the witness will sign then

print below their name, the word “witness” and their address, which will be the address of WWHC’s registered offices.

- 2.7 WWHC’s seal will continue to be used in accordance with the Rules and as such, when the Management Committee decides it should be used.
- 2.8 The seal will always be used on the issue of share certificates to new WWHC Members.

### **3. Registers**

- 3.1 The relevant Senior Staff Member responsible for co-ordinating the execution of important documents will record the event in the relevant register.

Use of the seal - schedule of all occasions when Seal is used; purpose of use and names of those signing.

- 3.2 Tenancy Agreements will not be recorded in any register and will instead be recorded in WWHC’s relevant tenant database.
- 3.3 The register will be maintained by the Assistant Director (Corporate Services) and a report will be presented annually to Management Committee regarding the register.
- 3.4 The custody of the seal is delegated from the Secretary of the Co-operative to the Assistant Director (Corporate Services).

### **4. Equalities**

We are committed to ensuring equal opportunities and fair treatment for all people in our work. In implementing this Policy, we will provide a fair and equal service to all people, irrespective of factors such as gender, race, disability, age, sexual orientation, language or social origin, or other personal attributes.

### **5. Monitoring and Review**

- 5.1 The Director is responsible overall for ensuring that this policy is implemented each time a relevant document requires to be signed (and witnessed).

- 5.2 The day-to-day responsibility for implementation is delegated to each Senior Staff Member.
- 5.3 This policy to be reviewed by the Management Committee every 3 years or at lesser frequency if required by any change in legislation.