

Property Contracts

In real estate transactions, the ownership of a property must comply with Section 2 of the Law of Property (Miscellaneous Provisions) Act 1989 which states that the contract must be in writing.

A real estate contract is not binding until exchange of contracts becomes effective.

Property contracts are signed on separate identical copies on exchange.

Written contracts are required for an agreement to grant a lease for more than 3 years.

This Guidance Note covers transactions. It does not cover transactions involving an attorney, etc which are legal advice.

This Guidance Note covers requirements for electronic signatures.

Signing by Individual

Signed by <<Name>>

Signing on behalf of a company

make a contract by virtue of a person acting on behalf of the company. The company should provide minutes evidencing where an authorised signatory has been given authority to sign on behalf of the company.

Signed by <<Name>>

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parties to enter a contract prior to the transfer of the property to a tenant. For contracts to be enforceable, they must be in writing (Law of Property (Miscellaneous Provisions Act) 1989 which states that the contract must be in writing and signed by both parties.

is not binding until the point of signing and does not become legally binding until exchange of contracts takes place. This is the date that both parties intend that it becomes effective.

identical copies. This means that each party to the contract signs a separate identical copy. The copies combine to form a single binding agreement.

Written contracts are required for an agreement to buy a property at public auction or for a lease for more than 3 years.

This Guidance Note covers transactions involving various types of legal bodies encountered in property transactions, such as charities, local authorities, power of attorney, etc. In certain transaction types it is advisable to seek specialist legal advice.

This Guidance Note covers requirements for electronic signatures and does not include Land Registry requirements. See the bottom for more information.

Signed by <<Name>> of <<Name of Company>> document. A witness is not required.

The Companies Act 2006 enables a company to make a contract by virtue of a person acting under its' authority to sign on behalf of the company. The company should provide minutes evidencing where an authorised signatory has been given authority to sign on behalf of the company.

Signed by <<Name>> of <<Name of Company>>

S

Signing on behalf and will bind all the p

individual partner can sign on behalf of the partnership the requisite authority.

Signed by <<Name

f <<Name of Partnership>>

A

Signing on behalf body corporate, with under Section 1(2) of under its common seal LLP, can sign on its

Partnership (LLP) - a limited liability partnership is a te from its members, and formed by incorporation Partnerships Act 2000. An LLP can enter a contract ed under its authority, usually a member of the

Signed by <<Name

of Signed by <<Name of LLP>>

Property Deeds

M

As a general rule, a Property Act (Miscell

nsfer of a legal interest in land. Section 2 Law of 989 requires a deed to be:

- **in writing**
- **be clear on** wording abo deed),
- **be validly e**
- **be delivered**

deed to be a deed (this will usually mean specific to identify that the document is intended to be a

The below are exam the list is not exhaus

on types of transactions that require a deed, but

- Transfers of free
- Grant of a new l
- Subsequent ass
- Creation of new
- Deeds of coven
- Mortgages, lega
- Lease variations
- Lease surrende

on sale, by gift or assent

uch as a right of way

The Land Registry h as a deed” may be a 2019 this wording w issues, it is consider types of deeds. The this into account.

r land transaction deeds. Wording such as “signed ther types of transactions, but since 20 September nd Registry. For consistency and to avoid potential the requirements for the Land Registry across all w and within the loan and property templates take

Further information c consult the practice g any document that is

ment’s practice guide 8 [here](#). You are advised to a legal professional, before drafting and executing nd Registry.

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L

E

Executed as a deed
the common seal of
<<Company Name>>
in the presence of:

<<Affix seal here>>

Signature of Director

Signature of Director

B. Signature by two persons (directors/company secretary)

Alternatively, where a company is being used a company may execute a deed either by using two authorised persons or a single director in the presence of a witness.

Note that if executed by a director and company secretary, they must be two separate persons; the same individual cannot act in both capacities. This example B (and C below) set out an example attestation:

Executed as a deed by <<Company Name>> acting by [a director and its secretary] [two directors]

Signature of Director

Signature of [Director/Secretary]

C. Single director and witness

Executed as a deed by <<Company Name>> acting by a director in the presence of:

Signature of Director

Signature of witness

Name (in BLOCK CAPITALS)

Address _____

Execution of a deed

A single partner can execute a deed on behalf of a partnership unless he or she has express authority to do so in writing. Usually, to circumvent each partner needing to sign the deed, the partners usually confer a power of attorney on a particular partner to sign on behalf of the partnership. If this is the case, then the following attestation may be used:

Executed as a deed of the Partnership>> under

half of a partnership unless he or she has express authority to do so in writing. Usually, to circumvent each partner needing to sign the deed, the partners usually confer a power of attorney on a particular partner to sign on behalf of the partnership. If this is the case, then the following attestation may be used:

<<Name of Partnership>> as agent for and on behalf of <<Name of Partnership>> under the deed <<Date>> in the presence of:

Signature of Partner _____

Signature of witness _____

Name (in BLOCK CAPITALS) _____

Address _____

Execution of a deed

The Limited Liability Partnership Regulations 2009 (SI 2009/1804) applies to limited liability partnerships, so they may execute deeds. The regulations modify sections 1 and 2 of the Companies Act 2006 and the secretary, or a member of the limited liability partnership (LLP).

Partnership (LLP)

Partnership (LLP) may be used where two members sign. The Limited Liability Partnership Regulations 2009 (SI 2009/1804) applies to limited liability partnerships, so they may execute deeds. The regulations modify sections 1 and 2 of the Companies Act 2006 and the secretary, or a member of the limited liability partnership (LLP).

The following attestation may be used where two members sign:

The following attestation (with a common seal) may be used where two members sign:

Executed as a deed of the Partnership by two members:

Signature of Member _____

Signature of Member _____

OR

the following attestation may be used where one member signs:

The following attestation (with a common seal) may be used where one member signs:

in the presence of a

Executed as a deed
<<LLP Name>>
acting by a member
presence of:

Signature of Member

Signature of witness

Name (in BLOCK CAPITALS)

Address

Electronic documents

The creation of property documents in electronic form and subsequent signing of them is becoming increasingly common. The Land Registry has strict requirements for electronic land transactions. See the [Guidance Note: Electronic Signatures of Property Deed and Contracts](#).

For more information see [Guidance Note: Formalities for Signing Contracts \(simply-docs.com\)](#)

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