

Sample Electronic Signature of Contracts

1. Introduction

Below is a sample clause that can be used where the parties agree to execute an agreement by electronic signature (amongst other things) and confirm their intention to execute the agreement as if signed by their manuscript signature.

The clause takes as well as flexibility, both in the form that the electronic signature can be used without amendment.

Deeds as well as the Law Society has made it possible for a deed to be validly executed, witnessed and delivered by electronic means. However, this template as drafted is only appropriate for simple contracts.

The purpose of this clause within a contract is not that it is legally necessary, but to reinforce the parties' confidence that their electronic signatures are in a legal position clear to the signatories that their signatures are valid and that an electronic signature is not inadmissible as evidence of authentication just because it is electronic.

This clause is intended to be used in conjunction with our electronic signatures guidance note which can be found at [www.simple-docs.com](#) as regards electronic signatures.

An electronic signature is defined as:

- typing or otherwise creating a signature (in the form of an image) into an electronic document;
- clicking on a signature button on a website or electronic communication; and
- using a software application or electronic signature platform to generate an electronic signature or a digital signature using public key cryptography, where the signature is backed by a digital certificate from the provider (or other third party) that certifies the identity of the signatory.

We have also included a template counterparts clause for completeness.

These clauses should be included at the end of a contract and usually after the governing law clause(s).

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It is acknow

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nt may be signed by:

a) Both parties
takes); or

ature (whatever form the electronic signature

b) Both parties

signature; or

c) One party s
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ature (whatever form the electronic signature
manuscript signature.

Each party f
party's inter
their manus

t electronic signature will be as conclusive of a
agreement as if signed by that party by means of

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executing th

pending on the legal personality of the party

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a) This agreem
executed sh
constitute th

any number of counterparts, each of which when
original, but all the counterparts shall together

b) No counterp
counterpart

l each party has executed at least one

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Electronic execution

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Documents
[here](#)) includ
guidance ca

king Group on the Electronic Execution of
port in February 2023 and can be accessed
e for the use of electronic execution. The
owing five high-level principles:

a) Agree as ea
procedure f

document is to be executed electronically and the

b) Where a sig
security/saf
intention to

ed, choose one that provides at least a minimum
a strong audit trail that demonstrates an

c) Consider wh
fact that the
necessary a

e to record the identity of the signatory and the
e document and has the intention to be bound is

d) Where poss
so that thes

ions to vulnerable customers or counterparties
method of signing that suits their needs.

e) Intention to
identities, b

asier to demonstrate for those with secure digital
e essential.

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5. **Property documents**

The execution of general corporate, commercial and other documents and procedures should not be used in the execution of property documents.

Property documents are not the same as for general documents. The execution processes and procedures for property documents should not be used in the execution of general documents.

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