



## Covid-19 Update for Housing: Execution of Documents

In light of the current Covid-19 outbreak and that many of our clients are now being forced to work from home or self-isolate we understand that this can cause issues for our clients in arranging for documents to be executed.

In conjunction with our advice above we have set out below a few practical steps that can be taken to address these issues:-

- I. You can authorise your solicitor to act as your agent to sign documents on your behalf that do not need to be executed as a deed or require a seal. This can be done relatively easily by providing your solicitor with email authority. This authority can be revoked at any time and can be subject to whatever conditions you wish to impose e.g. as to when a document is signed and requirements to obtain prior approval. If you wish to explore this option further, please let us know and we can provide you with model wording by which you can authorise us to sign any such documents.
- II. The law recognises electronic signatures as a valid means to execute a document (including a deed). Where it is not possible to place a wet ink signature to a document, the use of an electronic signature can provide a useful work around. Electronic signatures can take many forms including:-
  - Typing a name or initials at the bottom of an electronic document such as an email.
  - A scanned handwritten signature that is incorporated into an electronic document
  - Clicking an "I accept" or "I agree" button
  - Using a web based e-signing platform such as Adobe sign or DocuSign to generate either an electronic representation of a hand written signature; or a digital signature using public key cryptography which is backed up by a digital certificate from the platform to verify the signatory's identity.

It should be noted that Companies House and the Intellectual Property Office accept electronic signatures for online filing. We are currently liaising with the Land Registry to discuss the ability to submit applications for registrations based on scanned copies where we are not in possession of the wet ink original and we will update our guidance once we have any updates on this.

- III. The ability to execute deeds by affixing the company's common seal will become problematic if the office is shut. Moreover organising two authorised signatories to be in the same room to witness the sealing may now not prove possible. In light of this you should consider alternative methods by which documents such as deeds that would normally be executed by affixing the common seal can be executed. Alternatives laid out in the Companies Act 2006 include a deed being signed (by wet ink or electronic signatures) by two authorised signatories. The signatories do not need to sign the document at the same time or be in each other's presence to do so. This will of course be subject to any contrary provisions contained in your constitutional documents which we are happy to review on your behalf.

In circumstances where the above options will not prove practical it is possible to grant a trusted 3rd party such as your solicitor a general power of attorney to execute any deeds or documents on your behalf. The power of attorney could contain any such limitations on the scope of authority conferred upon your attorneys and can be revoked at any time. In addition you could appoint 2 or more solicitors to act jointly to validly execute documents in order to provide you with sufficient safeguards.

If you would like to discuss any of the options above or how we may assist you to implement these, please do not hesitate to get in touch.

## **Contact**

If you have any queries or concerns please contact:

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