HM Land Registry

How to avoid requests for information (requisitions)

Topic: Execution of Deeds

Presenter: Stephanie Straw (Customer Training Executive)

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How to avoid requests for information (requisitions)

Topic: Execution of Deeds


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You

Tube

The slides and speaker notes from the session have been uploaded as a handout. You can access the handout from our [HM Land Registry GoToStage](#) by clicking on the icon highlighted with the red box on screen.

YouTube watchers can click the link in the description below the [video](#).



Execution - individuals

Signed as a deed by **Winston Fletcher** in the presence of:

Signature: W. Fletcher

Signature of witness: D Jericho

Name (in BLOCK CAPITALS): DANNY JERICO

Address: 29 Cobbs Place, Canhall, EX16 2RB

'Delivery' is the final requirement for the valid execution of a deed

Certain deeds affecting registered land need to be in a prescribed form and use prescribe execution clauses (rule 206 (1) and (3) of the Land Registration Rules 2003)

Practice Guide 8 section 1.3

In the case of an assent, the words 'as a deed' may be omitted

For a deed to be legal, it must be properly executed.

We see various errors in relation to execution. For example:

- a party's signature has not been witnessed;
- the witness details are missing or illegible; or
- the wrong form of execution has been used for the person or company involved.

Execution requirements vary depending on the parties involved in a transaction, so let's first look at execution by an individual.

A document executed by an individual, must always be witnessed by a third party and be 'delivered as a deed'.

Delivery is the final requirement for the valid execution of a deed, by which the parties signify that they intend the deed to become binding and effective. In the past, this meant physical delivery of the document to the other party. Now it is more likely to be the action of dating the deed on completion. The deed can be considered as delivered even though the parties retain physical possession of their own copies, provided it is clear that they intend the deed to be binding.


It's also important to note that certain deeds affecting registered land need to be in a prescribed form and use

prescribed execution clauses (rule 206 (1) and (3) of the Land Registration Rules 2003).

A deed such as a Transfer, for example, must use the attestation clause currently shown on screen by the black line (or its Welsh equivalent), when individuals execute the deed, as well as including the individual's name in full.

Definition of attestation clause: The clause in which a witness to a deed certifies to its genuineness.

There is comprehensive guidance on prescribed forms of execution in [Practice Guide 8 section 1.3](#).




Witnessing

One party **cannot** witness the signature of another party to the deed.

The witness details need to be clear

A witness can attest the signature of more than one individual



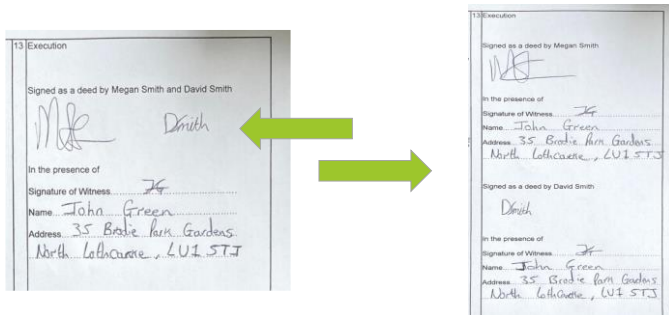
In attesting a signature, the witness is affirming that the signature of the party to the deed is genuine. Therefore, one party to a deed **cannot** witness the signature of another party to the deed.

We must be able to contact a witness in case there are any concerns about the execution, so if the witness details aren't clear, we will have to send a requisition.

A witness **can** attest the signature of more than one individual, but **multiple** signatures **must** be witnessed separately. Unless it's absolutely clear from the wording of the attestation, that the witness is witnessing **both** or **all** of the signatures, in the presence of the named signatories.

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Execution - individuals



13 Execution

Signed as a deed by Megan Smith and David Smith

In the presence of

Signature of Witness: *JK*

Name: John Green

Address: 35 Brook Farm Gardens
North Lethbridge, LU1 5TJ

14 Execution

Signed as a deed by Megan Smith

In the presence of

Signature of Witness: *JK*

Name: John Green

Address: 35 Brook Farm Gardens
North Lethbridge, LU1 5TJ

Signed as a deed by David Smith

In the presence of

Signature of Witness: *JK*

Name: John Green

Address: 35 Brook Farm Gardens
North Lethbridge, LU1 5TJ

"Signed as a deed by A and B both in the presence of"

"Signed as a deed by A and B both signatures applied in the presence of"

Let's now take a look at some examples.

In this example, the signatures of **David** Smith and **Megan** Smith have not been separately witnessed.


We had to requisition for the deed to be amended, to show separate attestation of each signature as shown now on screen.

If the attestation clause had been amended **before** execution, making it clear that the witness was witnessing **both** of the signatures, we could have accepted it. Some acceptable alternative wording is shown circled in blue.

If you receive a requisition to amend the wording of the attestation, the signatures should be witnessed again.

More information on witnessing multiple signatures can be found in [Practice Guide 8](#).


Slide 6


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Execution - individuals


13 Execution


Signed as a deed by Robert John Evans in the presence of:


Signature 

Signature of witness 
Name (IN BLOCK CAPITALS) DAVID JONES
Address 191 WARDLEY GARDENS


Signed as a deed by Janet Marie Evans in the presence of:

Signature 

Signature of witness 
Name (IN BLOCK CAPITALS) DAVID JONES
Address 191 WARDLEY GARDENS



In this example, the full address of the witness was not given. As we could not contact the witness if we needed to we had to send a requisition for the full address to be added, including the town and postcode.

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Execution with a seal - companies

"In favour of a purchaser an instrument shall be deemed to have been duly executed by a corporation aggregate if a seal purporting to be the corporation's seal purports to be affixed to the instrument in the presence of and attested by –

- (a) two members of the board of directors, council or other governing body of the corporation, or
- (b) one such member and the clerk, secretary or other permanent officer of the corporation or his deputy."

Executed as a deed by affixing the common seal of Door & Field Ltd ~~(name of company)~~ in the presence of:

Signature of **HARRY DOOR** (Director): H Door

Signature of **CLARE HARRIET FIELD** (Director) ~~(Secretary)~~: C H Field

Schedule 9 Land Registration Rules 2003
Rule 206 (3)

Remember to insert the company name here.

A company may wish to execute a document under seal.
The seal must either:

- be attested by **two** members of the board of directors, council or other governing body of the corporation; or
- by **one** such member and the clerk, secretary or other permanent officer of the corporation or their deputy.

If a deed is executed by a company affixing its seal in the presence of people who are not either a director **and** the secretary **or** two directors, we may call for evidence that the people attesting the affixing of the seal are authorised by the company's articles to do so. A provision for this has to be written into the company's constitution or made by a resolution of the board.

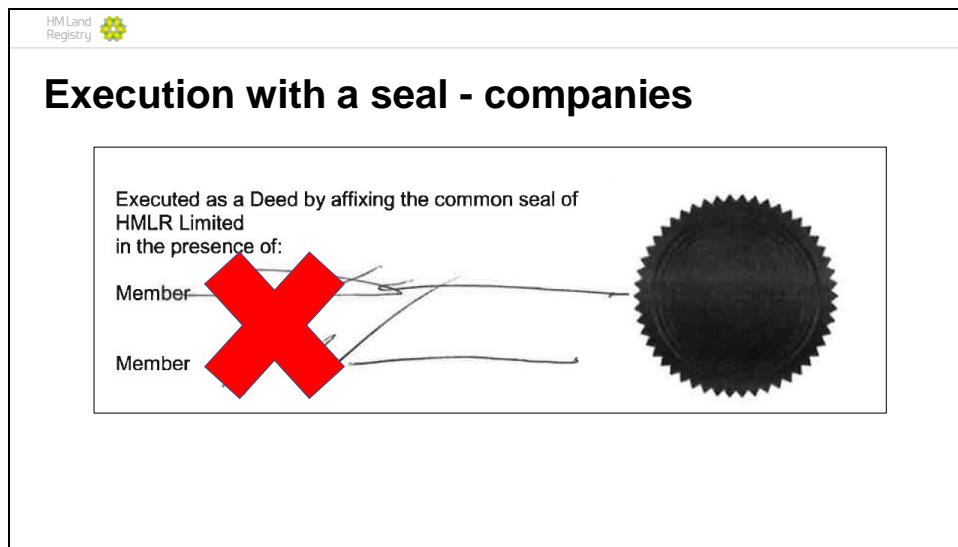
As mentioned earlier, for a company, the execution clause used must be as shown on screen if a prescribed form is used. This is underlined now on screen.

Also remember to insert the company name in the execution clause.

Where the deed in question is in a prescribed form and is being signed by a company, the attestation clauses on screen must

be used, and must state that the deed is 'Executed' not 'Signed'.


Appropriate forms of execution for prescribed forms are set out in Schedule 9.



The status of the signatory must be clear or, we will have to send a requisition.

In this example, the signatories have been described as “member” rather than director or secretary. We cannot accept “member” as we do not know in what capacity they’re signing. They may simply be shareholders of the company and not directors. Therefore, it’s really important that the signatory’s position in the company is made clear.

There are a few exceptions where an authorised signatory or member can be accepted, for example in the case of a registered society or limited liability partnerships. Please see Practice Guide 8 for further details.

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Execution without a seal - companies


<p>McDonough & Son Ltd.</p> <p>Executed as a deed by (name of company) acting by [a director and its secretary] (two directors)</p> <p>Signature of ROGER MCDONOUGH (Director): <u>R. McDonough</u></p> <p>Signature of DAVID MARTINS (Secretary) (Director): <u>D Martins</u></p>
<p>McDonough & Son Ltd.</p> <p>Executed as a deed by (name of company) acting by a director</p> <p>In the presence of:</p> <p>Signature of ROGER MCDONOUGH (Director): <u>R. McDonough</u></p> <p>Signature of witness: <u>K PARSONS</u></p> <p>Name (in BLOCK CAPITALS): <u>KIRSTY PARSONS</u></p> <p>Address: <u>191 Ambler Road, Ferney, Dorset, BA22 2QC</u></p>

If a company executes a deed without a seal, then the deed must be signed by either:

- a director **and** secretary, or by two directors of the company; **or**
- a director of the company in the presence of a witness who attests the signature.

The deed should also be expressed (or stated) to be executed by the company, as in the examples shown on screen.


Again, it is not acceptable to put “authorised signatories” without any indication of their status. We need the execution to state whether they are a director **or** a secretary.

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Execution - companies

13 Execution

Executed as a deed by
HMLR HOMES LIMITED
acting by a director

Signature.....

Director

In the presence of:

Signature of witness.

Name (In block capitals)

Address:


In this final example, the document had been executed by a director, but no witness had attested it. We requisitioned for the document to be re-executed and witnessed.


For more information on execution of deeds, see our Execution of Deeds webinar on the [HM Land Registry GoToStage](#).

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Knowledge check: Which of the following would be acceptable for registration?


A Executed as a deed by JKL Limited acting by a director in the presence of:

Signature of Director: 


Signature of witness: 

Name (in BLOCK CAPITALS): Kirsty Parsons
Address: 191 Ambler Road, Ferney, Dorset BA22 2QC

B Signed as a deed by JOHN SMITH 

In the presence of
Signature of witness: 


Name (in BLOCK CAPITALS): Frances Brown
Address: 29 Cobbs Place, Canhall EX16 2RB

Signed as a deed by JOAN SMITH 

In the presence of
Signature of witness:


Name (in BLOCK CAPITALS):
Address:

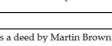
C Executed as a deed by JKL Limited acting by a director


Signature: 
Director

In the presence of:
Signature of witness
Name (in BLOCK CAPITALS)
Address:


D Signed as a deed by affixing the common seal of JKL Limited in the presence of:

Director: 

Secretary: 





E Signed as a deed by Martin Brown and Mary Brown

In the presence of:
Signature of witness: 


Name (in BLOCK CAPITALS): V Kerr
Address: 4 Oxford Street, CE1 5AA


F Executed as a deed by JKL Limited acting by a director and its secretary.

Signature of Director: 

Signature of [Secretary/Director]: 

G Signed as a deed by Juliet Tilda, who has a beneficial interest in the property at the date of this transfer, acting by her attorney Robin Marguerite in the presence of:

 Robin Marguerite on behalf of Juliet Tilda

Signature of witness: 

Name (in BLOCK CAPITALS): Chad Chandler
Address: 239 Pecten Court, New Strand Drive, Warrichshire CU31 93B

It's now time for a quick knowledge check on execution of deeds.

On screen you can see 7 execution clauses. Which of the following would be acceptable for registration?



Please pause the video to give yourself time to consider the question and write down an answer.


When you're ready, press play and we'll view the answer.

HM Land Registry


Knowledge check: Which of the following would be acceptable for registration? Time for the answers...


A Executed as a deed by JKL Limited acting by a director in the presence of:

Signature of Director:  


Signature of witness: 


Name (in BLOCK CAPITALS): Kirsty Parsons
Address: 191 Ambler Road, Ferney, Dorset BA22 2QC

B Signed as a deed by JOHN SMITH 


In the presence of
Signature of witness: 


Name (in BLOCK CAPITALS): Frances Brown
Address: 29 Cobbs Place, Canhall EX16 2RB

Signed as a deed by JOAN SMITH 

In the presence of
Signature of witness: 



Name (in BLOCK CAPITALS):
Address:



C Executed as a deed by JKL Limited acting by a director 


Signature: 
Director


In the presence of:
Signature of witness
Name (in BLOCK CAPITALS)
Address:

D Signed as a deed by affixing the common seal of JKL Limited in the presence of:

Director:  



Secretary:  


E Signed as a deed by Martin Brown and Mary Brown 

In the presence of:
Signature of witness: 


Name (in BLOCK CAPITALS): V Kerr
Address: 4 Oxford Street, CE1 5AA



F Executed as a deed by JKL Limited acting by a director and its secretary.

Signature of Director:  

Signature of [Secretary/Director]: 

G Signed as a deed by Juliet Tilda, who has a beneficial interest in the property at the date of this transfer, acting by her attorney Robin Marguerite in the presence of:

 Robin Marguerite on behalf of Juliet Tilda

Signature of witness:  

Name (in BLOCK CAPITALS): Chad Chandler
Address: 239 Pecten Court, New Strandham, Warrichshire CE31 93B

Time to run through the answers:

A, F and G would be acceptable for registration. The others would not be acceptable for the following reasons.

In B the witness has not attested to the signature of Joan Smith.

In C the execution clause has not been witnessed at all.

In D the execution clause says 'signed as a deed' whereas it should be 'executed as a deed' as the deed is by a company.

In E, two parties to the deed have signed the same execution clause and there is a single witness attestation

Help and Guidance

HM Land Registry



Relevant legislation	
Land Registration Act 2002 (LRA 2002)	
Land Registration Rules 2003 (LRR 2003)	
HM Land Registry Training Hub	https://www.gov.uk/guidance/hm-land-registry-training-hub
HM Land Registry Practice Guides	www.gov.uk/topic/land-registration/practice-guides
Webinar recordings	www.gotostage.com/channel/HMLR
Email alerts	https://public.govdelivery.com/accounts/UKGOVUK_LR/subscriber/new
Electronic Signatures webinar	https://attendee.gotowebinar.com/register/1495784845089918295?source=hub
HM Land Registry Essentials	https://www.gov.uk/guidance/hm-land-registry-essentials