

# NORTH VIEW Housing Association

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North View is a registered Scottish charity – charity registration number SC032963

## POLICY

### THE REQUIREMENTS OF WRITING ACT (Scotland) 1995

Passed:-

**24th August 2022**

Review Date:-

**July 2027**

All North View policies and publications can be made available on tape, in Braille, large print and community languages.

For further details please contact us on 0141 634 0555 or email us on [enquiries@nvha.org.uk](mailto:enquiries@nvha.org.uk)

#### 1.0 INTRODUCTION

- 1.1 The conditions of the Requirements Act (Scotland) 1995 are such that the Association could be bound to the conditions of a document or deed signed by a Committee Member (and witnessed by another person) who did not have the authority of the Management Committee to sign the document (or deed) on their behalf. This exposes the Association to a degree of risk.
- 1.2 The purpose of this Policy is to establish a series of controls to help reduce the risk of someone signing a document or deed without the prior authorisation of the Management Committee.

#### 2.0 DOCUMENTS

- 2.1 The Control Processes outlined below apply to all documents that Committee Members sign on behalf of the Association. These include (but are not limited to) documents relating to:- disposal of property or land; loan agreements; service agreements; Building Contracts (for development and major repair); Partnering Agreements; Funding Offers etc.
- 2.2 This policy does not relate to the signing of cheques, or requisitions for goods and/or services associated with usual operational activities (which are carried out by Officers as part of their job role).

#### 3.0 CONTROL PROCEDURES

- 3.1 Individual Committee Members may sign documents and deeds on behalf of the Association provided that i) it is signed under seal; or ii) he/she has the prior authorisation of the Management Committee.

Each control measure is discussed below:-

##### ***Signing Under Seal***

- 3.2 The Association will sign and seal important documents. This gives Committee full control as the seal can only be used under the authority of a resolution by the



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Committee.

- 3.3 Where necessary, the Association shall seek appropriate advice (from solicitors etc.), to determine which documents are 'important'.

#### **Prior Authorisation Of Management Committee**

- 3.4 One of the Office Bearers will normally sign documents on the Association's behalf, however, the occasion may arise where a Committee Member who is not an Office Bearer signs a document on behalf of the Association. In either instance, the Committee Member must have the prior authorisation of the Management Committee before signing, and the authorisation resolution must be recorded in a minute of the Meeting at which it was made.
- 3.5 In special circumstances, Office Bearers may sign documents on behalf of the Association without the prior authorisation of the Management Committee. Any such action will be in accordance with the conditions contained within the Association's 'Authority and Responsibilities of Committees' Policy.

**End**

#### **reviews and amendments**

20/11/97	-	Policy established
27/10/99	-	Policy reviewed
29/7/15	-	Policy reviewed
24/8/22	-	Policy reviewed



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