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Policy Name	Use of the Seal Policy
Policy Author	Director
Approved by Sub Committee	N/A
Approved by Management Committee	May 2025
Latest date of Next Review	April 2028

West Whitlawburn Housing Co-operative will provide this policy on request at no cost, in larger print, in Braille, in audio or other non-written format, and in a variety of languages. Please contact the office.

Registered with the Scottish Housing Regulator No. 203
Registered Charity No. SCO38737, VAT Registration No. 180223636
Registered society under the Co-operative and Community Benefit Societies Act 2014



1. Policy Statement

- 1.1 West Whitlawburn Housing Co-operative (WWHC) is committed to meeting all of its legal obligations and to complying with our own Rules. Part of meeting this commitment relates to how WWHC executes important documents and its use of the seal.

Examples of important documents include legal documents; contracts; annual returns; grant funding applications & claims, etc.

- 1.2 Rule 60 of the Co-operative's Rules refers:

Execution of Documents and Seal

The Co-operative shall execute deeds and documents in accordance with the provisions of the Requirements of Writing (Scotland) Act 1995 and record the execution in the register. The use of a common seal is not required. The Co-operative may have a seal which the Secretary must keep in a secure place unless the Committee decides that someone else should look after it. The seal must only be used if the Committee decides this. When the seal is used, the deed or document must be signed by the Secretary or a Member of the Committee or another person duly authorised to subscribe the deed or document on the Co-operative's behalf and recorded in the register

- 1.3 This Policy will be implemented in accordance with the Scheme of Delegated Authority and the Authorised Signatories as stipulated in the Co-operative's Standing Orders.
- 1.4 The signing and witnessing of formal and legal documents on behalf of WWHC will be undertaken in accordance with the relevant provisions of the Requirements of Writing (Scotland) Act 1995 (the Act).
- 1.5 The use of WWHC's seal will comply with the Rules.

2. Procedure

- 2.1 The appropriate Senior Staff Member, will ensure that the necessary arrangements are made when a document requires to be signed (and witnessed), **except** in the case of Tenancy Agreements for which the signing and witnessing arrangements will be made by Housing Services staff.

- 2.2 Before signing an important document, signatories must ensure that the Scheme of Delegated Authority and Authorised Signatories in Standing Orders has been complied with – if the outcome of that check shows that either of these would be breached by signing the document, the document should not be signed and the matter should be referred to the Director.
- 2.3 Documents, which are classed as VALIDLY SIGNED in the terms of the Act, will require one authorised signature only.
- 2.4 The Requirements of Writing (Scotland) Act 1995 makes provisions for the formal execution of deeds in Scotland, meaning that the deed proves itself and contents in legal proceedings without further evidence, having been formally executed by a party who is in full agreement with the terms of the document. This act means that any member of a management committee can sign documents, which will be legally binding, provided that signature is witnessed. The Act provides that formal writing is required only in the following instances:
- 2.4.1 the creation, transfer, variation or extinction of an interest in land, otherwise than by operation of a court decree, enactment or rule of law and a contract or unilateral obligation relating to such an interest in land;
- 2.4.2 the creation of a gratuitous unilateral obligation except an obligation undertaken in the course of business (not a major feature of commercial dealings, but they do sometimes arise in a business context. Examples: promise to keep an offer open for a certain period of time; promise to renegotiate the terms of a contract.
- 2.5 WWHC will follow the formal writing rules when executing any legal document. WWHC will seek professional advice on this as is necessary.
- 2.6 Documents, which are classed as VALIDLY SIGNED and Formal in the terms of the Act, will require one authorised signature and one witness - a “witness” will be any Committee Member or member of staff present at the time a document is signed. When a document requires to be witnessed, the witness will sign then

print below their name, the word “witness” and their address, which will be the address of WWHC’s registered offices.

- 2.7 WWHC’s seal will continue to be used in accordance with the Rules and as such, when the Management Committee decides it should be used.
- 2.8 The seal will always be used on the issue of share certificates to new WWHC Members.

3. Registers

- 3.1 The relevant Senior Staff Member responsible for co-ordinating the execution of important documents will record the event in the relevant register.
- 3.2 Use of the seal - schedule of all occasions when Seal is used; purpose of use and names of those signing.
- 3.3 Tenancy Agreements will not be recorded in any register and will instead be recorded in WWHC’s relevant tenant database.
- 3.4 The register will be maintained by the Corporate Services Officer and presented quarterly to the Performance, Assurance and Risk (PA&R) subcommittee.
- 3.5 The custody of the seal is delegated from the Secretary of the Co-operative to the Corporate Services Officer.

4. Equalities

We are committed to ensuring equal opportunities and fair treatment for all people in our work. In implementing this Policy, we will provide a fair and equal service to all people, irrespective of factors such as gender, race, disability, age, sexual orientation, language or social origin, or other personal attributes.

5. Monitoring and Review

- 5.1 The Director is responsible overall for ensuring that this policy is implemented each time a relevant document requires to be signed (and witnessed).

- 5.2 The day-to-day responsibility for implementation is delegated to each Senior Staff Member.
- 5.3 This policy to be reviewed by the Management Committee every 3 years or at lesser frequency if required by any change in legislation.

Equalities Impact Assessment

Policy/Project/Service Information			
Lead Officer	Corporate Services Officer		
Policy / Project / Service	Use of the Seal	New Policy / Project / Service or revision of existing?	Revision of existing
Is this a reassessment following amendments being required at a previous assessment?	No		
Briefly describe the aims, objectives and purpose of the policy / project / service.	To ensure compliance with WWHC Rules and the Requirements of Writing (Scotland) Act 1995.		
Who is intended to benefit from the policy / project / service? (E.g. applicants, tenants, staff, contractors)	All stakeholders		
What outcomes are wanted from this policy / project / service? (E.g. the measurable changes or benefits to members/ tenants / staff)	To ensure that the seal is used appropriately and records are maintained.		
Consultation			
Who have you engaged and consulted with as part of your assessment? N/A			

Equalities Impact Assessment			
Which protected characteristics could be affected by the policy, practice, or service?		Identify any positive impact/s that could result for each of the protected characteristic groups.	Identify any negative impact/s that could result for each of the protected characteristic groups.
Age			
Disability			
Gender Reassignment			
Marriage & Civil Partnership			
Race			
Religion/Belief			
Pregnancy/Maternity			
Sex			
Sexual Orientation			

Action Plan To Mitigate Negative Impact		
What action/s are required to address the impacts arising from this assessment?		
Protected characteristics	Action	Implementation Date
Age		
Disability		
Gender Reassignment		
Marriage & Civil		

Partnership		
Race		
Religion/Belief		
Pregnancy/Maternity		
Sex		
Sexual Orientation		
Human Rights		

Final Decision	Tick relevant box	Include explanation where appropriate
Approved for implementation without change	x	
Amend or change the Policy/Project/Service		
Continue the Policy/Project/Service without change (despite impact)		
Stop the Policy/Project/Service		
Lead Officer Signature	R.Hosie	
Date	30/04/2025	
Date approved by Management Committee/ Sub Committee	27/05/2025	