



Report 09.24  
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Committee Council  
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## Execution of Deeds

### 1. Purpose

To inform the Council of the new requirements for the execution of deeds under the Property Law Act 2007 (PLA 2007) and to seek agreement to implement a new process.

### 2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### 3. Background

The Property Law Act 1952 (PLA 1952) provided that a corporation (including a local authority) could execute a deed by affixing its common seal. David Benham, Chief Executive and Jane Bradbury, Divisional Manager, Corporate and Strategy have the delegated authority to affix the Council's common seal.

The PLA 2007, which came into effect on 1 January 2008, repealed the PLA 1952. The PLA 2007 established a new set of general statutory rules governing the execution of deeds, with bodies corporate no longer able to execute deeds by affixing the common seal.

### 4. Comment

Officers have obtained legal advice on the new requirements for executing deeds under the PLA 2007. The advice identifies two mechanisms for the Council's execution of deeds under the PLA 2007:

- Execution of deeds by any two councillors, or
- Execution of deeds by an attorney expressly appointed by the Council for that purpose.

Deeds are routinely and regularly entered into by the Council for a wide range of property-related matters. On the grounds of administrative efficiency it is considered appropriate to seek the Council's approval for officers to be granted a Power of Attorney to sign deeds on behalf of the Council.

There have been no changes to the requirements for executing contracts and other obligations entered into by bodies corporate.

It is proposed that David Benham, Chief Executive and Jane Bradbury, Divisional Manager, Corporate and Strategy each be granted a Power of Attorney to sign deeds on behalf of the Council.

## 5. Communication

The change proposed in this paper will be recorded in the delegations register and communicated those persons who prepare deeds for the Council.

## 6. Recommendations

*That the Council:*

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Grants a Power of Attorney to David Benham, Chief Executive to sign deeds on behalf of the Council.***
3. ***Grants a Power of Attorney to Jane Bradbury, Divisional Manager, Corporate and Strategy to sign deeds on behalf of the Council.***
4. ***Approves the forms of Power of Attorney attached as attachments 1 and 2 to this report.***
5. ***Authorises two councillors to sign the Power of Attorney documents as deeds.***

Report prepared by:

Report approved by:

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Francis Ryan  
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Attachment 1: Power of Attorney to execute deeds- David Benham, Chief Executive  
Attachment 2: Power of Attorney to execute deeds- Jane Bradbury, Divisional Manager,  
Corporate and Strategy