

SIGNMENT SECTION STAFF MEETING

ACCEPTABLE SIGNATURE DESIGNATIONS ON FORM 21/77/ASSGN 11

Position;

The new Form 21/77 allows for signatures by or, on behalf of parties to a transaction (assignment, mortgage, licence). We receive forms completed by agents & solicitors who sign saying they are agent for, solicitor to etc. but, not that they act for and on behalf of

Difficulty;

We should have a clear and consistent line on the acceptability or, otherwise of the various statements.

Decision;

Signatures must be written and must be against identifiable parties (licensor, assignee/assignor, mortgagor, Fred Bloggs, parties listed overleaf, etc.) but, need not be written separately against each r&le. They should be accepted where the person signing claims to act in any formal capacity for the parties to the transaction.

17 FEBRUARY 1997

PRESENT:

Mike Hewlett

Philip Heaven

Paul Edwards

Barbara Jones

Natalie Morgan

FORM 21/77 EXECUTION

Following the Civil Evidence Act 1995 and after discussion with Legal Division there are effects on the completion of Form 21/77. Rules and the Form 21/77 itself make no statement that the Form must be signed. The need for signature(s) is based on our reliance on the document to support the request for registration. Broadly there are three themes;

If the Form has not been signed at all, registration should be made only on the basis of the evidence filed.

Where the Form has been filed with "hearsay" evidence and the transaction is one which may attract Stamp Duty, a signature at (7) on the Form is required to confirm both that rights were acquired and that Stamp Duty requirements are met. A signature by a professional to that statement is accepted without question.

When the Form is filed to request registration and no supporting evidence is provided, the requirements are for a signature by the mortgagor, the licensor or, if an assignment both parties. For a licence or assignment those signature(s) are taken to confirm compliance with Stamp Duty legislation.