

Attestation Update Issued February 2008

JCT provisions and notes for Attestation have been updated to facilitate an additional method of **execution as a deed** (i.e. method **(C)** – signature by a single Director) which has been introduced by section 44(2)(b) of the Companies Act 2006, with effect from **1 April 2008**.

This update substitutes for the relevant attestation provisions and notes within JCT contracts.

Clause number and heading	Action
Attestation	<p>Delete existing Notes on Execution as a Deed and Execution as a Deed form and insert the following provisions as appropriate and adapted as necessary (see square brackets):</p> <p style="text-align: center;">Notes on Execution as a Deed</p> <ol style="list-style-type: none">1 For the purposes of execution as a deed, two forms are provided for execution, one for the <i>[Employer]</i> and the other for the <i>[Contractor]</i>. Each form provides four methods of execution, (A) to (D), for use as appropriate. The full name of the <i>[Employer]</i> or <i>[Contractor]</i> (whether an individual, a company or other body) should be inserted where indicated at the commencement of the relevant form. This applies irrespective of the method used.2 For public and private companies incorporated and registered under the Companies Acts, the three principal methods of execution as a deed are:<ol style="list-style-type: none">(A) through signature by a Director and the Company Secretary or by two Directors;(B) by affixing the company's common seal in the presence of a Director and the <i>Company</i> Secretary or of two Directors or other duly authorised officers; or(C) signature by a single Director in the presence of a witness who attests the signature.Methods (A) and (C) are available to public and private companies whether or not they have a common seal. (Method (C) was introduced by section 44(2)(b) of the Companies Act 2006.) Methods (A) and (C) are not available under companies legislation to local authorities or to certain other bodies corporate, e.g. bodies incorporated by letters patent or private Act of Parliament that are not registered under companies legislation and such bodies may only use method (B).3 Where method (A) is being used, delete the inappropriate words and insert in the spaces indicated the names of the two Directors, or of the Director and the Company Secretary, who are to sign.4 If method (B) (affixing the common seal) is adopted in cases where either or both the authorised officers attesting its affixation are not themselves a Director or the <i>Company</i> Secretary, their respective office(s) should be substituted for the reference(s) to Director and/or to <i>Company</i> Secretary/Director. (In the case of execution by bodies that are not companies, the reference to "<i>Company</i>" under the second signature should be deleted where appropriate.)5 Method (C) (execution by a single Director) has been introduced primarily, but not exclusively, for 'single officer' companies. The Director should sign where indicated in the presence of a witness who should then sign and set out his name and address.[6 Where the <i>[Employer]</i> or <i>[Contractor]</i> is an individual, he should use method (D) and sign where indicated in the presence of a witness who should then sign and set out his name and address.]

Executed as a Deed by the [Employer]

namely ¹ _____

(A) acting by a Director and the Company Secretary/two Directors **of the company** ^{2,3}

_____ and _____
(Print name of signatory) (Print name of signatory)

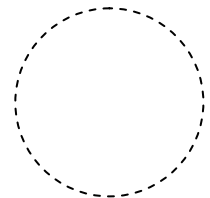
Signature Director Signature Company Secretary/Director

(B) by affixing hereto the common seal **of the company/other body corporate** ^{2,4}

in the presence of

Signature Director

Signature Company Secretary/Director



[Common seal of company]

(C) by attested signature of a single Director **of the company** ^{2,5}

Signature Director

in the presence of

Witness' signature _____ (Print name) _____

Witness' address _____

[(D) by attested signature **of the individual** ⁶

Signature

in the presence of

Witness' signature _____ (Print name) _____

Witness' address _____]

Note: The numbers on this page refer to the numbered paragraphs in the Notes on Execution as a Deed.

Executed as a Deed by the [Contractor]

namely ¹ _____

(A) acting by a Director and the Company Secretary/two Directors **of the company** ^{2,3}

_____ and _____
(Print name of signatory) (Print name of signatory)

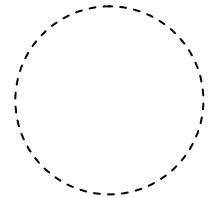
Signature Director Signature Company Secretary/Director

(B) by affixing hereto the common seal **of the company/other body corporate** ^{2,4}

in the presence of

Signature Director

Signature Company Secretary/Director



[Common seal of company]

(C) by attested signature of a single Director **of the company** ^{2,5}

Signature Director

in the presence of

Witness' signature _____ (Print name) _____

Witness' address _____

[(D) by attested signature **of the individual** ⁶

Signature

in the presence of

Witness' signature _____ (Print name) _____

Witness' address _____]

Note: The numbers on this page refer to the numbered paragraphs in the Notes on Execution as a Deed.