



Delegated Signing Authority Framework for legal agreements

Agenda Item 8

National Park Authority Board Meeting

10 June 2024

Paper for decision

Contents

1. Purpose	1
2. Recommendation(s)	1
3. Contribution to National Park Partnership Plan and/or Our 5-year Plan....	1
4. Background	1
5. Next steps	2
6. Appendices.....	2

1. Purpose

1.1. The purpose of this paper is to formalise the delegated signing authority framework to clarify who is authorised to sign legal agreements on behalf of the National Park Authority.

2. Recommendation(s)

2.1. Members are invited to approve adoption of the Delegated Signing Authority Framework in Appendix A.

3. Contribution to National Park Partnership Plan and/or Our 5-year Plan

3.1. This Framework aligns with the aims of improved transparent governance. It clarifies and streamlines the signing process.

4. Background

4.1. The Scottish Government Framework Agreement approved by the Board members in December did not cover signing authority for legal agreements and we were advised that this should be covered via a separate framework.

- 4.2. The make-up of the Executive has also recently changed and now includes Heads of Service as well as Directors. The Delegated Signing Authority Framework recognises the need for Heads of Service to sign legal agreements.
- 4.3. Having a flexible Delegated Signing Authority Framework will allow the National Park Authority to streamline the signing process and evidence an officer's authority to sign quickly and easily.
- 4.4. The proposed Framework follows similar principles to the Delegated Financial Authority framework already in the use.
- 4.5. The proposed Framework complements the other existing delegated signing authorities for example those that are in place for Planning and Access. It provides an equivalent framework for legal agreements.

5. Next steps

- 5.1. If the Board agree to adopt the Framework, roll out will be supported with guidance and training as needed.
- 5.2. The Framework will be reviewed at least every five years.

6. Appendices

Appendix 1 – proposed Delegated Signing Authority Framework for legal agreements.

Author(s): Sandra Dalziel, Legal Manager and Helen Bowman, Legal Adviser
Executive Sponsor: Jane Kemp, Head of Governance and Performance

Appendix 1

Delegated Signing Authority Framework for legal agreements

This is the Framework setting out the delegated signing authority authorising certain individuals to sign legal agreements on behalf of the Park Authority.

1. The Chief Executive and the Directors and Heads of Service in the Executive Team from time to time (“Authorised Signatories”) are authorised to sign the following on behalf of the National Park Authority:
 - 1.1. all legal deeds and documents relating to any property transactions, including signing binding offers, acceptances and missives for land and buildings, dispositions, conveyances, leases, licenses and the like;
 - 1.2. compulsory purchase orders and related notices;
 - 1.3. agreements under section 75 of the Town and Country Planning (Scotland) Act 1997, including any modifications and variations of such agreements;
 - 1.4. all other legal deeds, agreements, notices or other documentation required to give effect to decisions taken or to be taken by the National Park Authority.
2. Each Authorised Signatory is authorised to delegate all or a specific part of their signing authority as follows:
 - 2.1. Chief Executive to Director or Head of Service or a Park Authority Manager (or other appropriate officer as determined by the Chief Executive).
 - 2.2. Director or Head of Service to another Director or Head of Service
 - 2.3. Director or Head of Service to an Operational Manager or other appropriate officer within their Directorate as they may determine.
3. This signing authority does not delegate any power to an Authorised Signatory to take decisions on behalf of the National Park Authority. It only gives them authority to sign documents that give effect to decisions already taken by the National Park Authority.
4. Self-proving deeds or documents shall be validly executed when (a) signed by an Authorised Signatory whose signature is witnessed by one witness or (b) signed electronically in accordance with legal requirements.

5. Any legal agreement that appears to bear the signature (ink or electronic) of an Authorised Signatory shall be deemed, unless the contrary is proven, to have been duly given, made or issued by the National Park Authority.
6. This delegated signing authority framework does not affect the validity of any legal agreement that has (a) already been signed by an authorised or appropriate officer of the National Park Authority before the date of this authority or (b) already been signed, or which will be signed, under any other scheme of delegated authority.
7. This framework is established in accordance with the National Parks (Scotland) Act 2000 and the Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002.
8. This framework will apply until the National Park Authority varies or revokes it.