

Execution and
attestation of
deeds.
S. 41 substituted
by 2, 1972, s. 3.

DEEDS

41. (1) Where a person proposes to execute a deed, he must sign or place his mark upon the deed.

(2) The signature or mark of a party to a deed, or of a person executing the deed on behalf of a party to the deed, must be attested by at least one witness who is not a party to the deed.

(3) Indenting shall not be necessary in any case.

(4) Every instrument expressed to be an indenture or a deed, or to be sealed, which is executed and attested in accordance with this section, shall be deemed to be sealed.

(5) This section does not affect—

(a) the law relating to the execution of a deed by a corporation;

(b) the validity, operation or effect of a deed executed before the commencement of the Law of Property Act Amendment Act, 1972;

(c) the manner in which a deed is proved;

or

(d) the law relating to undelivered deeds or deeds in escrow.

(6) Where it appears in any proceedings—

(a) that a deed has not been duly executed by, or on behalf of, a party to the deed;

or

(b) that the signature or mark of a party to a deed, or a person acting on his behalf, has not been duly attested,

but that the party to the deed, or person acting on his behalf, purported or intended to execute the deed, and that party has taken a benefit under the deed, then, for the purposes of this section, the deed shall be deemed to have been duly executed by or on behalf of that party to the deed, and the execution shall be deemed to have been duly attested.

