

SECTION 12 – FINANCE, CONTRACTS AND LEGAL MATTERS

Financial Management

12.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Section 16 of this Constitution.

Contracts

12.2 Every contract made by the Council will comply with the Contract Procedure Rules set out in Section 17 of this Constitution.

Legal Proceedings

12.3.1 The Solicitor to the Council is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council, or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests;

12.3.2 The Solicitor to the Council has delegated powers to authorise Officers to appear in court on the Council's behalf.

Authentication of Documents

12.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council or other person authorised by him/her in writing, unless any enactment or otherwise authorises or requires, or the Council has given requisite authority, to some other person to do so;

12.4.2 Every contract shall be made or confirmed in writing and signed by all parties concerned in accordance with Rules 17.50 and 17.51;

12.4.3 In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be any one of the following:

12.4.3.1 the Chief Executive;

12.4.3.2 the Solicitor to the Council;

12.4.3.3 any Chief Officer or Deputy Chief Officer of the Council concerned with the matter to which the document relates;

12.4.3.4 any Officer authorised in writing by such Chief Officer, Deputy Chief Officer, or Solicitor to the Council.

Common Seal of the Council

Common Seal

12.5.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Solicitor to the Council.

12.5.2 The Common Seal may be affixed to those documents which in the opinion of the Solicitor to the Council should be sealed.

Sealing and Execution of Documents

12.5.3 The Solicitor to the Council, or such other officer authorised in writing to do so by the Solicitor to the Council, shall have authority to affix the Common Seal and execute under Seal any deed or document.

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12.5.4 The Solicitor to the Council (or such other officer appointed by the Solicitor to the Council in writing) shall have authority to execute any deed or document not required by law to be under seal.

Record of Sealing of Documents

12.5.5 An entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Solicitor to the Council and consecutively numbered in a book to be provided for the purpose.