



EXTRAORDINARY
OFFICIAL GAZETTE
THE BAHAMAS
PUBLISHED BY AUTHORITY

NASSAU

11th December, 2020

(B)

**PROPERTY (EXECUTION OF DEEDS AND
DOCUMENTS) ACT, 2020**

Arrangement of Sections

Section

1.	Short title.....	2
2.	Seal no longer required for instrument to constitute a deed	2
3.	Manner of execution of deeds.....	3
4.	Deeds and instruments under seal.....	4
5.	Repeals.....	4

SCHEDULE	4
-----------------	----------



No. 37 of 2020

**PROPERTY (EXECUTION OF DEEDS AND
DOCUMENTS) ACT, 2020**

**AN ACT TO MAKE NEW PROVISIONS WITH RESPECT TO THE
MANNER OF EXECUTION OF DEEDS AND OTHER INSTRUMENTS
AND FOR CONNECTED MATTERS**

[Date of Assent - 11th December, 2020]

Enacted by the Parliament of The Bahamas

1. Short title.

This Act may be cited as the Property (Execution of Deeds and Documents) Act, 2020.

2. Seal no longer required for instrument to constitute a deed.

- (1) Every rule of law or statutory provision is abolished which —
 - (a) requires a seal for the valid execution of an instrument as a deed by an individual; or
 - (b) requires an authority to be given by deed where the authority is given by one person to another to deliver an instrument as a deed on the giver's behalf.
- (2) An instrument constitutes a deed where —
 - (a) the instrument makes clear on its face that it is intended to be a deed by the person making it or by the parties to it, whether by describing itself as a deed or expressing itself to be executed or signed as a deed or otherwise; and
 - (b) the instrument is validly executed in accordance with section 3 by or on behalf of the person making it, or by or on behalf of one or more of the parties to it, and is delivered as a deed.

3. Manner of execution of deeds.

- (1) An instrument is validly executed as a deed by an individual where it is signed —
 - (a) by the individual in the presence of a witness who attests his signature; or
 - (b) at the direction of the individual and in his presence and the presence of two witnesses who each attest the signature of the person signing on behalf of the individual and that the individual so directed such person to sign.
- (2) An individual may execute an instrument as a deed in his capacity as —
 - (a) a party to the instrument; or
 - (b) a signatory authorised to execute it in the name or on behalf of a person who is a party.
- (3) Subsection (1) applies in the case of an instrument executed by an individual in the name or on behalf of another person whether or not that person is also an individual.
- (4) Without prejudice to subsection (1), an instrument executed as a deed may be signed by an individual in any manner contemplated by the parties, including without limitation —
 - (a) by the individual's signature on the complete deed; or
 - (b) by the individual's signature on a signature page, whether or not the deed is at the time in final form, which is physically or electronically attached or added to, or compiled with, the remainder of the deed by or at the direction or on behalf of the individual or otherwise with the individual's express or implied authority.
- (5) A deed may take the form of an "electronic communication" within the meaning of section 2 of the Electronic Communications and Transactions Act (*Ch. 337A*).
- (6) For the purposes of this section, "sign" or "signature" in relation to a deed —
 - (a) where the deed is written on a tangible medium, includes an individual making his mark on the deed; and
 - (b) where the deed is in the form of and recorded as an electronic communication, means the individual's electronic signature in accordance with section 9 of the Electronic Communications and Transactions Act (*Ch. 337A*).
- (7) An instrument validly executed as a deed under this section is presumed to be delivered when executed, unless a contrary intention is proved.

4. Deeds and instruments under seal.

- (1) Section 3 applies to a deed or instrument under seal whether made before, on or after the date the section comes into operation but no deed or instrument under seal made before such date shall be invalid by reason only of a provision of section 3.
- (2) For the avoidance of doubt, the provisions of section 3 are without prejudice to the validity of any instrument under seal validly executed as such before, on or after the date section 3 comes into operation.

5. Repeals.

The enactments referred to in the first column of the *Schedule* are amended or repealed to the extent specified in the second column of the said *Schedule*.

SCHEDULE

(Section 5)

ACT	EXTENT OF AMENDMENT/REPEAL
Law of Property Act (<i>Ch. 170</i>)	Section 7 is amended by the deletion of the words “Two or more Witnesses” and the substitution of the words “at least one witness”.
Power of Attorney Act (<i>Ch. 81</i>)	Section 3 is amended by the deletion of subsections (1) and (2) and the substitution of the following — <ul style="list-style-type: none">(1) An instrument creating a power of attorney shall be executed as a deed in accordance with the Property (Execution of Deeds and Documents) Act, 2020 by the donor of the power.”.
Interpretation and General Clauses Act (<i>Ch. 2</i>)	Section 53 is repealed and replaced as follows — “53. Seal. Where any written law constitutes any

board, tribunal, commission, committee or similar body to be a body corporate having perpetual succession and any document requires to be executed as a deed by such body, the chairman of such board, tribunal, commission, committee or similar body shall execute the deed in the manner provided in the Property (Execution of Deeds of Documents) Act, 2020.”.