

Article 13 – Finance, Contracts and Legal Matters

13.1 Financial Management

- 13.1.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Section F Part 4 of this Constitution.

13.2 Contracts

- 13.2.1 Every contract made by the Council will comply with the Contract Procedure Rules set out in Section G of Part 4 of this Constitution.

13.3 Legal Proceedings

- 13.3.1 The Head of Legal and Democratic Services is authorised to institute, conduct, defend, participate in, or compromise, any legal proceedings whether civil or criminal, in any case where such action is necessary to give effect to a decision of the Council or any part of it (including one made in accordance with the Scheme of Delegations to Officers set out in Part 7 of this Constitution), or, following consultation with the Chairman of the Council or the Cabinet Leader, in any case where he/she considers that such action is necessary to protect the Council's interests.

Note: The Principal Solicitors are authorised to carry out and perform the delegations allocated to the Head of Legal and Democratic Services under the Council's Constitution (particularly the Scheme of Delegation to Officers and Article 13) and to act and sign in the name of the Head of Legal and Democratic Services

- 13.3.2 The Head of Legal and Democratic Services can authorise Legal Officers of Bucks County Council, Aylesbury Vale District Council, Wycombe District Council and/or South Bucks District Council to prosecute/defend various legal actions in the Magistrates/Crown Court on behalf of the Council.

13.4 Authentication of Documents

- 13.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Democratic Services or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Council has given requisite authority to, some other person. (See note to 13.3.1).
- 13.4.2 Any contract entered into on behalf of the Council in the discharge of a Cabinet Function shall be in writing and, where it meets or exceeds the financial limits in the Contract Procedure Rules which require contracts to be under seal, shall be made under the Common Seal of the Council.

13.5 Common Seal of the Council

- 13.5.1 The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services.

- 13.5.2 A decision of the Council or one of its Committees acting under delegated powers, or of the Cabinet, or of a Committee of the Cabinet, or the Cabinet Leader or a Cabinet Portfolio Holder acting under delegated powers, or of a Joint Committee where the Council acts as Lead Authority, or one made in accordance with the Scheme of Delegations to Officers set out in Part 7 of this Constitution, will be sufficient authority for sealing any document necessary to give effect to the decision.
- 13.5.3 The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services should be sealed or are required to be sealed by the Contract Procedure Rules in Section G Part 4 of this Constitution. The affixing of the Common Seal will be attested by the Director of Resources or in his/her absence, another Director or the Chief Executive.
- 13.5.4 Contracts or Agreements entered into other than by Letter of Acceptance, Official Order or affixing of the Common Seal of the Council will be signed for and on behalf of the Council by a Director and/or the Head of Legal and Democratic Services. A Principal Solicitor may be a co-signatory in the absence of the Head of Legal and Democratic Services. Any Contracts or Agreements so signed will be recorded in a Register maintained by the Head of Finance for that purpose.