

# Part 2

## Articles of the Constitution



## Article 12: Finance, Contracts and Legal Matters

### 12.1 **Financial Management**

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

### 12.2 **Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

### 12.3 **Legal proceedings**

The Monitoring Officer and Deputy Monitoring Officer(s) are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer or Deputy Monitoring Officer consider that such action is necessary to protect the Council's interests, in accordance with the Delegation Scheme as set out in Part 3 of this Constitution.

### 12.4 **Authentication of documents**

Where any document is necessary for any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or by any solicitor employed by the Council and authorised by him or her, unless any enactment otherwise authorises or requires, (or where urgency requires any other officer authorised by her and confirmed in writing) or the Council has given requisite authority to some other person (please see the Delegation Scheme in Part 3).

## 12.5 Common Seal of the Council

- (a) The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer.
- (b) A decision of the Council (or of any Council body or Officers, in accordance with the Delegation Scheme) will be sufficient authority for sealing any document necessary to give effect to the decision.
- (c) The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed.
- (d) The affixing of the Common Seal will be attested by the **Monitoring Officer**. However, in the absence of the Monitoring Officer the following may attest the affixing of the Seal:
  - Any lawyer employed by the Council (or West Devon Borough Council)
  - In the absence of any lawyer, any Senior Officer
  - In matters of urgency, the Monitoring Officer or Deputy Monitoring Officers may authorise in writing another Officer to attest the Common Seal