We are in the midst of lockdown, your legal advisor sends you a document, can you sign it electronically? Well for simple contracts (so not certain powers of attorney, wills and a limited number of other official documents) entered into by a Jersey individual or legal entity, we are very fortunate that Jersey law provides for the execution of documents electronically. Having said that we need to be aware of the following matters:

1. Is the document governed by a law other than Jersey law? If so, consideration should be given as to whether the relevant legal system recognises e-signatures as a valid form of execution.
2. How will you ensure security is maintained, will your signature that is provided be encrypted in some way?
3. Do you have the right to sign electronically?
4. Does the document prohibit electronic signatures?
5. If you are acting on behalf of a company (for example, as a director), then the company's constitutional documents may prohibit the use of electronic signatures. The articles of association may therefore need to be amended in order to permit their use. In addition have the relevant authorisations (such as board minutes) been given by the company for the execution by electronic signature?

Certain entities such as the U.K. Land registry may require wet ink copies although the Jersey Financial Services Commission has issued relaxed guidance on this.

For further information please email mail@voisinlaw.com.