
Changes to legislation: Requirements of Writing (Scotland) Act 1995, Paragraph 9 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

MODIFICATIONS OF THIS ACT IN RELATION TO SUBSCRIPTION OR SIGNING BY RELEVANT PERSON UNDER SECTION 9

9 For paragraph 1(1) of Schedule 1 there shall be substituted the following sub-paragraph—

“(1) Subject to sub-paragraphs (2) to (6) below, where—

- (a) an alteration to a [^{F1}traditional document] bears to have been signed by a relevant person with the authority of a granter of the document;
- (b) the document or alteration, or the testing clause or its equivalent, states that the alteration was read to that granter by the relevant person before such signature or states that the alteration was not so read because the granter made a declaration that he did not wish him to do so;
- (c) the alteration bears to have been signed by a person as a witness of the relevant person’s signature and the alteration, or the testing clause or its equivalent, bears to state the name and address of the witness; and
- (d) nothing in the document or alteration, or in the testing clause or its equivalent, indicates—
 - (i) that the alteration was not signed by the relevant person as it bears to have been so signed;
 - (ii) that the statement mentioned in paragraph (b) above is incorrect; or
 - (iii) that the alteration was not validly witnessed for any reason specified in paragraphs (a) to (e) of sub-paragraph (4) below (as modified by paragraph 11 of Schedule 3 to this Act),

the alteration shall be presumed to have been signed by the relevant person and the statement so mentioned shall be presumed to be correct.”.

Textual Amendments

F1 Words in Sch. 3 para. 9 substituted (8.12.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [Sch. 3 para. 26\(d\)](#) (with s. 121, [Sch. 4 paras. 13, 16](#)); [S.S.I. 2014/41](#), art. 2(1)(c)(2), [Sch. Pt. 3](#) (with arts. 3, 4) (see [S.S.I. 2014/127](#), art. 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(1)(aa) inserted by [2007 asp 3 s. 48\(1\)](#)
- Sch. 2 para. 2A and cross-heading inserted by [2024 asp 2 s. 79\(2\)](#)