



Requirements of Writing (Scotland) Act 1995

1995 CHAPTER 7

[^{F1}PART 2

TRADITIONAL DOCUMENTS]

6 Registration of [^{F1}traditional documents].

- (1) Subject to subsection (3) below ^{F2}..., it shall not be competent—
- (a) to record a [^{F3}traditional document] in the Register of Sasines; or
 - (b) to register a [^{F4}traditional document] for execution or preservation in the Books of Council and Session or in sheriff court books,
- [^{F5}(ba) to register a traditional document in the Land Register of Scotland,]
unless subsection (2) below applies in relation to the document.
- (2) This subsection applies where—
- (a) the document is presumed under section 3 or 4 of this Act to have been subscribed by the grantor; or
 - (b) if there is more than one grantor, the document is presumed under section 3 or 4 or partly under the one section and partly under the other to have been subscribed by at least one of the grantors.
- (3) Subsection (1) above shall not apply in relation to—
- [^{F6}(a) a document's—
 - (i) being recorded in the Register of Sasines, or
 - (ii) being registered in the Land Register of Scotland, in the Books of Council and Session or in sheriff court books,if an enactment requires or expressly permits such recording or registration notwithstanding that the document is not presumed to have been subscribed by the grantor or by at least one of the grantors,]

Changes to legislation: Requirements of Writing (Scotland) Act 1995, Section 6 is up to date with all changes known to be in force on or before 26 July 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

- (b) the recording of a court decree in the Register of Sasines^[F7] or the registering of such a decree in the Land Register of Scotland];
 - (c) the registration in the Books of Council and Session or in sheriff court books of—
 - (i) a testamentary document;
 - (ii) a document which is directed by the Court of Session or (as the case may be) the sheriff to be so registered;
 - (iii) a document whose formal validity is governed by a law other than Scots law, if the Keeper of the Registers of Scotland or (as the case may be) the sheriff clerk is satisfied that the document is formally valid according to the law governing such validity;
 - (iv) a court decree granted under section 4 or 5 of this Act in relation to a document already registered in the Books of Council and Session or in sheriff court books (as the case may be); or
 - (d) the registration of a court decree in a separate register maintained for that purpose.
- (4) A ^[F8]traditional document] may be registered for preservation in the Books of Council and Session or in sheriff court books without a clause of consent to registration.

Textual Amendments

- F1** Words in s. 6 title substituted (8.12.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 3 para. 12** (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)
- F2** Words in s. 6(1) repealed (8.12.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 3 para. 11(a)** (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)
- F3** Words in s. 6(1)(a) substituted (11.5.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 3 para. 11(b)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)
- F4** Words in s. 6(1)(b) substituted (11.5.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 3 para. 11(c)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)
- F5** S. 6(1)(ba) inserted (11.5.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 3 para. 11(d)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)
- F6** S. 6(3)(a) substituted (11.5.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 3 para. 11(e)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)
- F7** Words in s. 6(3)(b) inserted (11.5.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 3 para. 11(f)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)
- F8** Words in s. 6(4) substituted (11.5.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 3 para. 11(g)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)

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[View outstanding changes](#)

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\(2\)](#)