



Requirements of Writing (Scotland) Act 1995

1995 CHAPTER 7

[^{F1}PART 3

ELECTRONIC DOCUMENTS

[^{F1}9C Presumption as to authentication of electronic documents

- (1) Where—
 - (a) an electronic document bears to have been authenticated by the granter,
 - (b) nothing in the document or in the authentication indicates that it was not so authenticated, and
 - (c) the conditions set out in subsection (2) are satisfied,the document is to be presumed to have been authenticated by the granter.
- (2) The conditions are that the electronic signature incorporated into, or logically associated with, the document—
 - (a) is of such type and satisfies such requirements as may be prescribed by the Scottish Ministers in regulations, and
 - (b) (either or both)—
 - (i) is used in such circumstances as may be so prescribed,
 - (ii) bears to be certified,and that if the electronic signature bears to be certified (and does not conform with paragraph (b)(i)) the certification is of such type and satisfies such requirements as may be so prescribed.
- (3) Regulations under subsection (2) are subject to the negative procedure.]

Changes to legislation: Requirements of Writing (Scotland) Act 1995, Section 9C is up to date with all changes known to be in force on or before 15 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](#)

Textual Amendments

- F1** Pt. 3 inserted (22.3.2014 for specified purposes, 11.5.2014 for specified purposes, 1.4.2022 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), **ss. 97(2), 122, 123** (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(a)(b)(2), sch. Pts. 1, 2 (with arts. 3, 4); S.S.I. 2021/472, 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\(2\)](#)