



Requirements of Writing (Scotland) Act 1995

1995 CHAPTER 7

[^{F1}PART 3

ELECTRONIC DOCUMENTS

[^{F1}9D Presumptions as to granter's authentication etc. when established in court proceedings

(1) Where—

- (a) an electronic document bears to have been authenticated by a granter of it, and
- (b) there is no presumption under section 9C that the document has been authenticated by that granter,

the court must, on an application being made to it by any person who has an interest in the document, if satisfied that the document was authenticated by that granter, grant decree to that effect.

(2) Where—

- (a) an electronic document bears to have been authenticated by a granter of it, and
- (b) there is no presumption by virtue of section 9E(1) as to the time, date or place of authentication,

the court must, on an application being made to it by any person who has an interest in the document, if satisfied as to that time, date or place, grant decree to that effect.

(3) On an application under subsection (1) or (2), evidence is, unless the court otherwise directs, to be given by affidavit.

(4) An application under subsection (1) or (2) may be made either as a summary application or as incidental to, and in the course of, other proceedings.

(5) The effect of a decree—

- (a) under subsection (1), is to establish a presumption that the document has been authenticated by the granter concerned, or

Changes to legislation: Requirements of Writing (Scotland) Act 1995, Section 9D is up to date with all changes known to be in force on or before 02 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) under subsection (2), is to establish a presumption that the statement in the decree as to time, date or place is correct.
- (6) In this section, “ the court ” means—
- (a) in the case of a summary application—
 - (i) the sheriff in whose sheriffdom the applicant resides, or
 - (ii) if the applicant does not reside in Scotland, the sheriff at Edinburgh, or
 - (b) in the case of an application made in the course of other proceedings, the court before which those proceedings are pending.]

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\(2\)](#)