



Requirements of Writing (Scotland) Act 1995

1995 CHAPTER 7

[^{F1}PART 3

ELECTRONIC DOCUMENTS

[^{F1}9G Registration and recording of electronic documents

- (1) Subject to subsection (6), it is not competent—
 - (a) to record an electronic document in the Register of Sasines,
 - (b) to register such a document in the Land Register of Scotland,
 - (c) to register such a document for execution or preservation in the Books of Council and Session, or
 - (d) to record or register such a document in any other register under the management and control of the Keeper of the Registers of Scotland,unless both subsection (2) and subsection (3) apply in relation to the document.
- (2) This subsection applies where—
 - (a) the document is presumed under section 9C or 9D or by virtue of section 9E(1) to have been authenticated by the granter, or
 - (b) if there is more than one granter, the document is presumed by virtue of any of those provisions to have been authenticated by at least one of the granters.
- (3) This subsection applies where—
 - (a) the document,
 - (b) the electronic signature authenticating it, and
 - (c) if the document bears to be certified, the certification,are in such form and of such type as are prescribed by the Scottish Ministers in regulations.
- (4) Before making regulations under subsection (3), the Scottish Ministers must consult with—

Changes to legislation: Requirements of Writing (Scotland) Act 1995, Section 9G is up to date with all changes known to be in force on or before 25 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

- (a) the Keeper of the Registers of Scotland,
 - (b) the Keeper of the Records of Scotland, and
 - (c) the Lord President of the Court of Session.
- (5) Regulations under subsection (3)—
- (a) may make different provision for different cases or classes of case, and
 - (b) are subject to the negative procedure.
- (6) Subsection (1) above does not apply in relation to—
- (a) a document's—
 - (i) being recorded in the Register of Sasines,
 - (ii) being registered in the Land Register of Scotland or in the Books of Council and Session, or
 - (iii) being recorded or registered in any other register under the management and control of the Keeper of the Registers of Scotland, if an enactment requires or expressly permits such recording or registration notwithstanding that the document is not presumed to have been authenticated by the granter or by at least one of the granters,
 - (b) the recording of a court decree in the Register of Sasines or the registering of such a decree in the Land Register of Scotland,
 - (c) the registering in the Books of Council and Session of—
 - (i) a document registration of which is directed by the Court of Session,
 - (ii) a document the formal validity of which is governed by a law other than Scots law, provided that the Keeper of the Registers of Scotland is satisfied that the document is formally valid according to that other law,
 - (iii) a court decree granted under section 9D, or by virtue of section 9E(1), of this Act in relation to a document already registered in the Books of Council and Session, or
 - (d) the registration of a court decree in a separate register maintained for that purpose.
- (7) An electronic document may be registered for preservation in the Books of Council and Session without a clause of consent to registration.]

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

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 9G(1)(d) excluded by [2023 asp 3 s. 115](#)

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\(2\)](#)