



Legal Writings (Counterparts and Delivery) (Scotland) Act 2015

2015 asp 4

Execution of documents in counterpart

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- (1) A document may be executed in counterpart.
- (2) A document is executed in counterpart if—
 - (a) it is executed in two or more duplicate, interchangeable, parts, and
 - (b) no part is subscribed by both or all parties.
- (3) On such execution, the counterparts are to be treated as a single document.
- (4) That single document may be made up of—
 - (a) both or all the counterparts in their entirety, or
 - (b) one of the counterparts in its entirety, collated with the page or pages on which the other counterpart has, or other counterparts have, been subscribed.
- (5) A document executed in counterpart becomes effective when—
 - (a) both or all the counterparts have been delivered in accordance with subsection (6) or (7), and
 - (b) any other step required by an enactment or rule of law for the document to become effective has been taken.
- (6) Each counterpart is to be delivered to the party or parties who did not subscribe the counterpart in question unless it is a counterpart which falls to be delivered under subsection (7).
- (7) If a party has, under section 2(1), nominated a person to take delivery of one or more counterparts, the counterpart in question is (or counterparts in question are) to be delivered to that person.
- (8) Subsection (5) is subject to subsection (9).
- (9) Where a counterpart is to be held by the recipient as undelivered, the counterpart is not to be treated as delivered for the purposes of subsection (5)(a) until—

Status: This is the original version (as it was originally enacted).

- (a) the person from whom the counterpart is received indicates to the recipient that it is to be so treated, or
- (b) if a specified condition is to be satisfied before the counterpart may be so treated, the condition has been satisfied.