

2016 No. 306

COURT OF SESSION

SHERIFF APPEAL COURT

SHERIFF COURT

Act of Sederunt (Electronic Authentication) 2016

<i>Made</i>	- - - -	<i>30th September 2016</i>
<i>Laid before the Scottish Parliament</i>		<i>4th October 2016</i>
<i>Coming into force</i>	- -	<i>31st October 2016</i>

The Court of Session makes this Act of Sederunt under the powers conferred by sections 103(1) and 104(1) of the Courts Reform (Scotland) Act 2014(a) and all other powers enabling it to do so.

In accordance with section 104(5) of that Act, the Court of Session has consulted the Scottish Civil Justice Council and has taken into account views expressed by the Council.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Electronic Authentication) 2016.

(2) It comes into force on 31st October 2016.

(3) A certified copy is to be inserted in the Books of Sederunt.

(4) Subject to subparagraph (5), this Act of Sederunt applies to any Act of Sederunt made on or before the date this Act of Sederunt comes into force.

(5) This Act of Sederunt does not apply to the Act of Sederunt (Simple Procedure) 2016(b).

Electronic authentication

2. Any reference in an Act of Sederunt to a document being—

(a) authenticated (including by signature);

(b) certified;

(c) signed;

(d) signed and dated; or

(e) endorsed,

(a) 2014 asp. 8.

(b) S.S.I. 2016/200.

by a person mentioned in paragraph 3 or by a court includes a reference to that document being authenticated electronically by that person or court, as the case may be.

Persons

3. The persons mentioned are—

- (a) a Lord Ordinary, a judge or Court of Session clerk of any kind;
- (b) an Appeal Sheriff or the Clerk of the Sheriff Appeal Court; and
- (c) the sheriff, the sheriff clerk or the clerk of court.

Edinburgh
30th September 2016

CJM SUTHERLAND
Lord President
I.P.D.

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt extends the means of authentication of documents by the courts so as to include electronic authentication. This facilitates the operation of the Scottish Courts and Tribunals Service's Integrated Case Management System.

Paragraph 2 provides that where court documents require to be signed by a court or any of the persons named in paragraph 3, those documents may be authenticated electronically.

Paragraph 3 names the persons who may authenticate documents electronically.

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