



Requirements of Writing (Scotland) Act 1995

CHAPTER 7

REQUIREMENTS OF WRITING (SCOTLAND) ACT 1995

- 1 Writing required for certain contracts, obligations, trusts, conveyances and wills.
- 2 Type of writing required for formal validity of certain documents.
- 3 Presumption as to granter's subscription or date or place of subscription.
- 4 Presumption as to granter's subscription or date or place of subscription when established in court proceedings.
- 5 Alterations to documents: formal validity and presumptions.
- 6 Registration of documents.
- 7 Subscription and signing.
- 8 Annexations to documents.
- 9 Subscription on behalf of blind granter or granter unable to write.
- 10 Forms of testing clause.
- 11 Abolition of proof by writ or oath, reference to oath and other common law rules.
- 12 Interpretation.
- 13 Application of Act to Crown.
- 14 Minor and consequential amendments, repeals, transitional provisions and savings.
- 15 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — Alterations Made to a Document After it has been Subscribed

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Presumption as to granter's signature or date or place of signing

- 1 (1) Subject to sub-paragraphs (2) to (7) below, where—

Presumption as to granter's signature or date or place of signing when established in court proceedings

- 2 (1) Where an alteration to a document bears to have...

SCHEDULE 2 — Subscription and Signing: Special Cases

General

- 1 Any reference in this Act to subscription or signing by...

Partnerships

- 2 (1) Except where an enactment expressly provides otherwise, where a...

Companies

- 3 (1) Except where an enactment expressly provides otherwise, where a...

Limited Liability Partnerships

- 3A (1) Except where an enactment expressly provides otherwise, where a...

Local authorities

- 4 (1) Except where an enactment expressly provides otherwise, where a...

Other bodies corporate

- 5 (1) This paragraph applies to any body corporate other than...

Ministers of the Crown and office-holders

- 6 (1) Except where an enactment expressly provides otherwise, where a...

SCHEDULE 3 — Modifications of This Act in Relation to Subscription or Signing by Relevant Person under Section 9

- 1 For any reference to the subscription or signing of a...
 2 For section 3(1) there shall be substituted the following subsection—...
 3 In section 3(3) for the words “subsection (1)(b)” there shall...
 4 For section 3(4) there shall be substituted the following subsection—...
 5 In section 3(6) the words “or acknowledgement” in both places...
 6 Section 3(7) shall be omitted.
 7 For section 4(1) there shall be substituted the following subsection—...
 8 At the end of section 4(5)(a) there shall be added...
 9 For paragraph 1(1) of Schedule 1 there shall be substituted...
 10 In paragraph 1(3) of Schedule 1 for the words “sub-paragraph...
 11 For paragraph 1(4) of Schedule 1 there shall be substituted...
 12 In paragraph 1(6) of Schedule 1 the words “or the...
 13 Paragraph 1(7) of Schedule 1 shall be omitted.
 14 For paragraph 2(1) of Schedule 1 there shall be substituted...
 15 At the end of paragraph 2(5)(a) of Schedule 1 there...

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SCHEDULE 4 — Minor and Consequential Amendments

General adaptation

- 1 (1) Any reference in any other enactment to a probative...

Specific enactments

Lands Clauses Consolidation (Scotland) Act 1845

- 2 In Schedules (A) and (B) to the Lands Clauses Consolidation...

Infertment Act 1845

- 3 In Schedules (A) and (B) to the Infertment Act 1845...

Commissioners Clauses Act 1847

- 4 At the end of section 59 of the Commissioners Clauses...
5 At the end of section 75 of that Act there...
6 At the end of section 77 of that Act there...
7 In Schedule (B) to that Act— (a) the words from...
8 In Schedule (C) to that Act— (a) the words from...

Entail Amendment Act 1848

- 9 In section 50 of the Entail Amendment Act 1848 for...
10 In the Schedule to that Act— (a) the words “and...”

Ordnance Board Transfer Act 1855

- 11 At the end of section 5 of the Ordnance Board...

Registration of Leases (Scotland) Act 1857

- 12 In Schedule (A) to the Registration of Leases (Scotland) Act...
13 In each of Schedules (B), (C), (D), (F), (G) and...

Transmission of Moveable Property (Scotland) Act 1862

- 14 In each of Schedules A and B to the Transmission...
15 In Schedule C to that Act for the words from...

Titles to Land Consolidation (Scotland) Act 1868

- 16 In Schedule (B) nos. 1 and 2 and (AA) no....
17 In Schedules (J), (BB) no. 1, (CC) nos. 1 and...
18 In Schedule (FF) no. 1 to that Act—
19 In Schedule (GG) to that Act— (a) for the words...
20 In Schedule (NN) to that Act— (a) for the words...

Conveyancing (Scotland) Act 1874

- 21 In Schedules C, F, L nos. 1 and 2 and...
22 In Schedule G to that Act— (a) for the words...
23 In Schedule M to that Act for the words “and...”

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Colonial Stock Act 1877

- 24 At the end of subsection (1) of section 4 of...
25 At the end of section 6 of that Act there...

Colonial Stock Act 1892

- 26 After subsection (2) of section 2 of the Colonial Stock...
27 At the end of the Schedule to that Act there...

Feudal Casualties (Scotland) Act 1914

- 28 In each of Schedules B and C to the Feudal...

Trusts (Scotland) Act 1921

- 29 In Schedule A to the Trusts (Scotland) Act 1921—
30 In Schedule B to that Act for the words “(To...

Conveyancing (Scotland) Act 1924

- 31 In Schedule B to the Conveyancing (Scotland) Act 1924—
32 In Schedule E to that Act for the words “[To...
33 In Schedules G and H to that Act for the...
34 In Schedule K to that Act— (a) in forms nos...
35 In Schedule L to that Act, in form 4, for...
36 In Schedule N to that Act for the words “[To...

Long Leases (Scotland) Act 1954

- 37 In the Fourth Schedule to the Long Leases (Scotland) Act...

Succession (Scotland) Act 1964

- 38 At the end of section 21 of the Succession (Scotland)...
39 After section 21 of that Act there shall be inserted...
40 For section 32 of that Act there shall be substituted...
41 In Schedule 1 to that Act for the words “[To...

Industrial and Provident Societies Act 1965

- 42 In Schedule 3 to the Industrial and Provident Societies Act...
43 In Schedule 4 to that Act, in Form C for...

Conveyancing and Feudal Reform (Scotland) Act 1970

- 44 In Schedule 2 to the Conveyancing and Feudal Reform (Scotland)...
45 In Schedule 4 to that Act— (a) in form A...
46 In Schedule 5 to that Act, in form D—
47 In Schedule 9 to that Act— (a) for the words...

Petroleum and Submarine Pipe-lines Act 1975

- 48

Patents Act 1977

- 49 In section 31(6) of the Patents Act 1977 for the...

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Oil and Gas (Enterprise) Act 1982

50

Companies Act 1985

- 51 For section 36B of the Companies Act 1985 there shall...
- 52 At the end of section 38 of that Act there...
- 53 In section 39 of that Act— (a) after subsection (2)...
- 54 Section 40 of that Act shall become subsection (1) of...
- 55 Section 186 of that Act shall become subsection (1) of...
- 56 In section 188 of that Act in subsection (2) after...

Companies Consolidation (Consequential Provisions) Act 1985

- 57 At the end of section 11 of the Companies Consolidation...

Insolvency Act 1986

- 58 In section 53 of the Insolvency Act 1986—

Housing (Scotland) Act 1987

- 59
- 60

SCHEDULE 5 — Repeals

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Changes and effects yet to be applied to :

- s. 1(2) text amended by S.S.I. 2006/491 art. 3(1)
- s. 1(2)(a)(ii) excluded by S.I. 2009/555 art. 4
- s. 1(2A)(2B) inserted by S.S.I. 2006/491 art. 3(2)
- s. 1(3) text amended by S.S.I. 2006/491 art. 3(3)
- s. 1(5) text amended by S.S.I. 2006/491 art. 3(3)(b)
- s. 5(9) inserted by S.S.I. 2006/491 art. 3(6)
- s. 6(1) inserted by 2007 asp 3 s. 222(2)
- s. 6(1)(aa) inserted by 2007 asp 3 s. 48(1)
- s. 9 modified by 2003 asp 4 s. 14(3)
- s. 12(1) text amended by S.S.I. 2006/491 art. 3(7)(a)
- s. 12(1) words omitted by S.I. 2009/1941 Sch. 1 para. 151(b)
- s. 12(1) words substituted by S.I. 2009/1941 Sch. 1 para. 151(a)
- s. 12(3) inserted by S.S.I. 2006/491 art. 3(7)(b)
- s. 13(2) repealed by 2003 asp 9 Sch. 15
- Sch. 2 para. 5(2) applied by S.S.I. 2005/133 art. 18
- Sch. 2 para. 6 applied by SI 1990/2639 art. 4(3) (as amended) by S.S.I. 2003/154 art. 5(3)
- Sch. 2 para. 3(2)(a) substituted by S.I. 2008/948 Sch. 1 para. 199
- Sch. 4 para. 51-56 repealed by 2006 c. 46 Sch. 16

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act applied by S.I. 2011/2262 rule 107(2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2A-2C inserted by S.S.I. 2006/491 art. 3(4)
- s. 3A inserted by S.S.I. 2006/491 art. 3(5)
- s. 6A inserted by 2007 asp 3 s. 222(3)

Commencement Orders yet to be applied to the Requirements of Writing (Scotland) Act 1995:

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2007/3495 art. 2-5 8 commences (2006 c. 46)
- S.I. 2008/2860 art. 3 4 Sch. 1 commences (2006 c. 46)
- S.S.I. 2003/384 art. 2 Commencement Order
- S.S.I. 2003/456 art. 2 commences (2000 asp 5)