



# Requirements of Writing (Scotland) Act 1995

## 1995 CHAPTER 7

### [<sup>F1</sup>PART 4]

#### [<sup>F1</sup>GENERAL PROVISIONS]

## 12 Interpretation.

(1) In this Act, except where the context otherwise requires—

“alteration” includes interlineation, marginal addition, deletion, substitution, erasure or anything written on erasure;

“annexation” includes any inventory, appendix, schedule, other writing, plan, drawing, photograph or other representation annexed to a document;

<sup>F1</sup>  
...

“authorised” means expressly or impliedly authorised and any reference to a person authorised to sign includes a reference to a person authorised to sign generally or in relation to a particular document;

[<sup>F2</sup> “ certification ”, in relation to an electronic signature incorporated into or logically associated with an electronic document, means confirming in a statement that—

- (a) the electronic signature,
- (b) a means of producing, communicating or verifying that signature, or
- (c) a procedure applied to that signature,

is, either alone or combined with other factors, a valid means of establishing the authenticity of the electronic document, its integrity or both its authenticity and its integrity (it being immaterial, in construing this definition, whether the statement is made before or after the authentication of an electronic document to which the statement relates).]

[<sup>F3</sup> “ company ” has the meaning given by section 1(1) of the Companies Act 2006; ]

<sup>F4</sup>  
...

**Changes to legislation:** Requirements of Writing (Scotland) Act 1995, Section 12 is up to date with all changes known to be in force on or before 01 April 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

“decree” includes a judgment or order, or an official certified copy, abbreviate or extract of a decree;

<sup>F5</sup>  
...

“director” includes any person occupying the position of director, by whatever name he is called;

“document” includes<sup>[F6]</sup>, in the case of a traditional document,] any annexation which is incorporated in it under section 8 of this Act and any reference, however expressed, to the signing of a document includes a reference to the signing of an annexation;

<sup>F7</sup>  
...

<sup>[F8]</sup> “electronic document ” has the meaning given by section 9A,

“electronic signature ” means so much of anything in electronic form as—

- (a) is incorporated into, or logically associated with, an electronic document, and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the electronic document, its integrity or both its authenticity and its integrity,]

“enactment ” includes an enactment contained in a statutory instrument <sup>[F9]</sup> and an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament ] ;

“governing board ”, in relation to a body corporate to which paragraph 5 of Schedule 2 to this Act applies, means any governing body, however described;

“local authority ” means a local authority within the meaning of section 235(1) of the <sup>M1</sup> Local Government (Scotland) Act 1973 and a council constituted under section 2 of the <sup>M2</sup> Local Government etc. (Scotland) Act 1994;

“Minister ” has the same meaning as “Minister of the Crown ” has in section 8 of the <sup>M3</sup> Ministers of the Crown Act 1975 <sup>[F10]</sup> and also includes a member of the Scottish Executive ] ;

“office-holder ” does not include a Minister but, subject to that, means—

- (a) the holder of an office created or continued in existence by a public general Act of Parliament;
- (b) the holder of an office the remuneration in respect of which is paid out of money provided by Parliament <sup>[F11]</sup> or out of the Scottish Consolidated Fund]; and
- (c) the registrar of companies <sup>F12</sup> . . . ;

“officer ”—

- (a) in relation to a Minister, means any person in the civil service of the Crown who is serving in his Department <sup>[F13]</sup> or, as the case may be, as a member of the staff of the Scottish Ministers or the Lord Advocate];
- (b) in relation an office-holder, means any member of his staff, or any person in the civil service of the Crown who has been assigned or appointed to assist him in the exercise of his functions;

“proper officer ”, in relation to a local authority, has the same meaning as in section 235(3) of the Local Government (Scotland) Act 1973; and

“secretary ” means, if there are two or more joint secretaries, any one of them;

<sup>F14</sup>  
...

<sup>F14</sup>  
...

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[<sup>F15</sup> “ traditional document ” has the meaning given by section 1A. ]

(2) Any reference in this Act to subscription or signing by a grantor of a document or an alteration made to a document, in a case where a person is subscribing or signing under a power of attorney on behalf of the grantor, shall be construed as a reference to subscription or signing by that person of the document or alteration.

[<sup>F16</sup>(3) In a case where a person is authenticating an electronic document on behalf of a grantor, any reference in this Act to authentication by a grantor of an electronic document shall be construed as a reference to authentication by that person.]

[<sup>F17</sup>(4) In relation to an electronic document—

- (a) references to authenticity—
  - (i) are references to whether the document has been electronically signed by a particular person, and
  - (ii) may include references to whether the document is accurately timed or dated, and
- (b) references to integrity are references as to whether there has been any tampering with, or other modification of, the document.]

#### Textual Amendments

- F1** Words in s. 12(1) repealed (8.12.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **Sch. 3 para. 19(a)(i)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(c)(2), Sch. Pt. 3 (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)
- F2** Words in s. 12(1) inserted (11.5.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **Sch. 3 para. 19(a)(ii)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)
- F3** S. 12(1): definition of "company" substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), **Sch. 1 para. 151** (with art. 10)
- F4** Words in s. 12(1) repealed (8.12.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **Sch. 3 para. 19(a)(iii)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(c)(2), Sch. Pt. 3 (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)
- F5** Words in s. 12(1) repealed (8.12.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **Sch. 3 para. 19(a)(iv)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(c)(2), Sch. Pt. 3 (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)
- F6** Words in s. 12(1) inserted (8.12.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **Sch. 3 para. 19(a)(v)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(c)(2), Sch. Pt. 3 (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)
- F7** Words in s. 12(1) repealed (8.12.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **Sch. 3 para. 19(a)(vi)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(c)(2), Sch. Pt. 3 (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)
- F8** Words in s. 12(1) substituted (11.5.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **Sch. 3 para. 19(a)(vii)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)
- F9** S. 12(1): words in definition of “enactment” added (27.7.2000) by S.I. 2000/2040, art. 2, Sch. Pt. 1 para. 17 (with art. 3)
- F10** S. 12(1): words in definition of “Minister” inserted (6.5.1999) by [1998 c. 46](#), s. 125(1), **Sch. 8 para. 31(a)** (with s. 126(3)-(11)); S.I. 1998/3178, art. 2(2), **Sch. 3**
- F11** S. 12(1): words in definition of "office-holder" inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 118**.

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- F12** S. 12(1): words in definition of "office-holder" omitted (1.10.2009) by virtue of The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 151** (with art. 10)
- F13** S. 12(1): words in definition of "Officer" inserted (6.5.1999) by 1998 c. 46, s. 125(1) , **Sch. 8 para. 31(b)** (with s. 126(3)-(11)); S.I. 1998/3178, art. 2(2), **Sch. 3**
- F14** Words in s. 12(1) repealed (8.12.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 3 para. 19(a)(viii)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(c)(2), Sch. Pt. 3 (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)
- F15** Words in s. 12(1) inserted (8.12.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 3 para. 19(a)(ix)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(c)(2), Sch. Pt. 3 (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)
- F16** S. 12(3) inserted (5.10.2006) by The Automated Registration of Title to Land (Electronic Communications) (Scotland) Order 2006 (S.S.I. 2006/491), **art. 3(7)(b)**
- F17** S. 12(4) inserted (11.5.2014 for specified purposes) by Land Registration etc. (Scotland) Act 2012 (asp 5) , ss. 122 , 123 , **Sch. 3 para. 19(b)** (with s. 121 , Sch. 4 paras. 13 , 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)

#### Modifications etc. (not altering text)

- C1** S. 12 modified (temp.) (11.5.2014) by The Land Registration etc. (Scotland) Act 2012 (Commencement No. 2 and Transitional Provisions) Order 2014 (S.S.I. 2014/41) , **art. 3(4)** (see S.S.I. 2014/127, art. 2)

#### Marginal Citations

- M1** 1973 c. 65 .
- M2** 1994 c. 39 .
- M3** 1975 c. 26 .

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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\(2\)](#)