



Requirements of Writing (Scotland) Act 1995

1995 CHAPTER 7

[^{F1}PART 3

ELECTRONIC DOCUMENTS

[^{F1}9B Validity of electronic documents

- (1) No electronic document required by section 1(2) is valid in respect of the formalities of execution unless—
 - (a) it is authenticated by the granter, or if there is more than one granter by each granter, in accordance with subsection (2), and
 - (b) it meets such other requirements (if any) as may be prescribed by the Scottish Ministers in regulations.
- (2) An electronic document is authenticated by a person if the electronic signature of that person—
 - (a) is incorporated into, or logically associated with, the electronic document,
 - (b) was created by the person by whom it purports to have been created, and
 - (c) is of such type, and satisfies such requirements (if any), as may be prescribed by the Scottish Ministers in regulations.
- (3) A contract mentioned in section 1(2)(a) may be regarded as constituted or varied (as the case may be) if—
 - (a) the offer is contained in one or more electronic documents,
 - (b) the acceptance is contained in another electronic document or in other such documents, and
 - (c) each of the documents is authenticated by its granter or granters.
- (4) Where a person grants an electronic document in more than one capacity, authentication by the person of the document, in accordance with subsection (3), is sufficient to bind the person in all such capacities.

Changes to legislation: Requirements of Writing (Scotland) Act 1995, Section 9B is up to date with all changes known to be in force on or before 31 January 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](#)

- (5) Nothing in this section prevents an electronic document which has not been authenticated by the granter or granters of it from being used as evidence in relation to any right or obligation to which the document relates.
- (6) Regulations under subsection (1)(b) or (2)(c) are subject to the negative procedure.]

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

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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\(1\)](#)