***Changes to legislation:** Land Registration etc. (Scotland) Act 2012, SCHEDULE 3 is up to date with all changes known to be in force on or before 26 June 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*

SCHEDULE 3 S

(introduced by section 98)

AMENDMENT OF REQUIREMENTS OF WRITING (SCOTLAND) ACT 1995

1 The 1995 Act is amended as follows.

Commencement Information

I1 Sch. 3 para. 1 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

I2 Sch. 3 para. 1 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

2 After section 1 insert—

"PART 2 S

TRADITIONAL DOCUMENTS

1A Application of Part 2

This Part of this Act applies to documents written on paper, parchment or some similar tangible surface ("traditional documents").".

Commencement Information

I3 Sch. 3 para. 2 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

3 In section 2 (type of writing required for formal validity of certain documents)—

(a) in subsection (1), after "No" insert " traditional ",

(b) in subsection (2)—

(i) for "documents" in both places substitute " traditional documents ",

(ii) for first "document" substitute " traditional document ",

(iii) after "each" substitute " such ",

(c) in subsection (3), for first "document" substitute " traditional document ".

Commencement Information

I4 Sch. 3 para. 3 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

4 In the title of section 2, after "certain" insert " traditional ".

Commencement Information

I5 Sch. 3 para. 4 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

Changes to legislation: *Land Registration etc. (Scotland) Act 2012, SCHEDULE 3 is up to date with all changes known to be in force on or before 26 June 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5 Sections 2A, 2B and 2C are repealed.

Commencement Information

I6 Sch. 3 para. 5 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

6 In section 3 (presumption as to granter's subscription or date or place of subscription)—

(a) in subsection (1)(a), for "document" substitute " traditional document ",

(b) in subsection (2), for "testamentary document consists" substitute " traditional document is a testamentary document consisting ",

(c) in subsection (4), for first "document" substitute " traditional document ",

(d) in subsection (9), for "document" substitute " traditional document ",

(e) in subsection (10)(a), for "testamentary document bears" substitute " traditional document is a testamentary document bearing ".

Commencement Information

I7 Sch. 3 para. 6 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

7 Section 3A is repealed.

Commencement Information

I8 Sch. 3 para. 7 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

8 In section 4 (presumption as to granter's subscription or date or place of subscription when established in court proceedings)—

(a) in subsection (1), for first "document" substitute " traditional document ",

(b) in subsection (2), for first "document" substitute " traditional document ".

Commencement Information

I9 Sch. 3 para. 8 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

9 In section 5 (alterations to documents: formal validity and presumptions)—

(a) in subsection (1), for first "document" substitute " traditional document ",

(b) in subsection (3), for first "document" substitute " traditional document ",

(c) in subsection (4), for first "document" substitute " traditional document ",

(d) in subsection (8), for first "document" substitute " traditional document ",

(e) subsection (9) is repealed.

***Changes to legislation:** Land Registration etc. (Scotland) Act 2012, SCHEDULE 3 is up to date with all changes known to be in force on or before 26 June 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*

Commencement Information

I10 Sch. 3 para. 9 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

10 In the title of section 5, for "documents" substitute " traditional documents ".

Commencement Information

I11 Sch. 3 para. 10 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

11 In section 6 (registration of documents)—

(a) in subsection (1), repeal "and section 6A of this Act",

(b) in subsection (1)(a), for "document" substitute " traditional document ",

(c) in subsection (1)(b), for "document" substitute " traditional document ",

(d) after subsection (1)(b) insert—

"(ba) to register a traditional document in the Land Register of Scotland,",

(e) for subsection (3)(a) substitute—

"(a) a document's—

(i) being recorded in the Register of Sasines, or

(ii) being registered in the Land Register of Scotland, in the Books of Council and Session or in sheriff court books,

if an enactment requires or expressly permits such recording or registration notwithstanding that the document is not presumed to have been subscribed by the granter or by at least one of the granters,",

(f) in subsection (3)(b), after "Sasines" insert " or the registering of such a decree in the Land Register of Scotland ",

(g) in subsection (4), for "document" substitute " traditional document ".

Commencement Information

I12 Sch. 3 para. 11(a) in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

12 In the title of section 6, for "documents" substitute " traditional documents ".

Commencement Information

I13 Sch. 3 para. 12 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

13 Section 6A is repealed.

Changes to legislation: *Land Registration etc. (Scotland) Act 2012, SCHEDULE 3 is up to date with all changes known to be in force on or before 26 June 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*

Commencement Information

I14 Sch. 3 para. 13 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

14 In section 7 (subscription and signing)—

(a) in subsection (1), for first "document" substitute " traditional document ",

(b) in subsection (2)—

(i) for first "document" substitute " traditional document ",

(ii) for second "a document" substitute " such a document ",

(c) in subsection (4), for first "document" substitute " traditional document ",

(d) in subsection (5)—

(i) for first "document" substitute " traditional document ",

(ii) for second "a document" substitute " such a document ",

(e) in subsection (7), for "documents" substitute " traditional documents ".

Commencement Information

I15 Sch. 3 para. 14 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

15 In section 8 (annexations to documents)—

(a) in subsection (1), for first "document" substitute " traditional document ",

(b) in subsection (4), for first "document" substitute " traditional document ",

(c) in subsection (5), for first "document" substitute " traditional document ".

Commencement Information

I16 Sch. 3 para. 15 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

16 In the title of section 8, for "documents" substitute " traditional documents ".

Commencement Information

I17 Sch. 3 para. 16 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

17 In section 9 (subscription on behalf of blind granter or granter unable to write)—

(a) for first "document" substitute " traditional document ",

(b) in subsection (5)—

(i) in paragraph (a), for "document" substitute " traditional document ",

(ii) in paragraph (b), for first "document" substitute " traditional document as mentioned in section 5(1) ".

Changes to legislation: *Land Registration etc. (Scotland) Act 2012, SCHEDULE 3 is up to date with all changes known to be in force on or before 26 June 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*

Commencement Information

I18 Sch. 3 para. 17 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

18 Section 11 is repealed.

Commencement Information

I19 Sch. 3 para. 18 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

19 In section 12 (interpretation)—

(a) in subsection (1)—

(i) repeal the definition of "ARTL System",

(ii) after the definition of "authorised" insert—

""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),",

(iii) repeal the definition of "dealing",

(iv) repeal the definition of "digital signature",

(v) in the definition of "document", after first "includes" insert " , in the case of a traditional document, ",

(vi) repeal the definition of "electronic communication",

(vii) for the definition of "electronic document" substitute—

""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,",

Changes to legislation: *Land Registration etc. (Scotland) Act 2012, SCHEDULE 3 is up to date with all changes known to be in force on or before 26 June 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*

(viii) repeal the definitions of "signature-creation data" and "signature-creation device",

(ix) at the end insert—

""traditional document" has the meaning given by section 1A.",

(b) after subsection (3) insert—

"(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.".

20 In section 13 (Crown application), in subsection (1)(c), after "Sasines" insert " , registered in the Land Register of Scotland ".

Commencement Information

I20 Sch. 3 para. 20 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

21 The provisions of sections 10 to 15 as amended by this schedule become Part 4 of the Act.

Commencement Information

I21 Sch. 3 para. 21 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

22 The title of Part 4 is "General provisions".

Commencement Information

I22 Sch. 3 para. 22 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

23 In schedule 1 (alterations made to documents after subscription)—

(a) in paragraph 1(1)(a), for first "document" substitute " traditional document ",

(b) in paragraph 2—

(i) in sub-paragraph (1), for first "document" substitute " traditional document ",

(ii) in sub-paragraph (2), for first "document" substitute " traditional document ".

Changes to legislation: *Land Registration etc. (Scotland) Act 2012, SCHEDULE 3 is up to date with all changes known to be in force on or before 26 June 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*

Commencement Information

I23 Sch. 3 para. 23 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

24 In the title to schedule 1, for "document" substitute " traditional document ".

Commencement Information

I24 Sch. 3 para. 24 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

25 In schedule 2 (subscription and signing: special cases)—

(a) in paragraph 1, for first "document" substitute " traditional document ",

(b) in paragraph 2(1), for first "document" substitute " traditional document ",

(c) in paragraph 3—

(i) in sub-paragraph (1), for first "document" substitute " traditional document ",

(ii) in sub-paragraph (4), for "document" substitute " traditional document ",

(iii) in sub-paragraph (5)(a), in paragraph (a) of the first subsection set out in substitution for section 3(1), for first "document" substitute " traditional document ",

(iv) in sub-paragraph (6)(a), in paragraph (a) of the sub-paragraph set out in substitution for paragraph 1(1) of schedule 1, for "document" substitute " traditional document ",

(d) in paragraph 3A—

(i) in sub-paragraph (1), for first "document" substitute " traditional document ",

(ii) in sub-paragraph (4), for "document" substitute " traditional document ",

(iii) in sub-paragraph (5)(a), in paragraph (a) of the first subsection set out in substitution for section 3(1), for "document" substitute " traditional document ",

(iv) in sub-paragraph (6)(a), in paragraph (a) of the first sub-paragraph set out in substitution for paragraph 1(1) of schedule 1, for "document" substitute " traditional document ",

(e) in paragraph 4—

(i) in sub-paragraph (1), for first "document" substitute " traditional document ",

(ii) in sub-paragraph (4), for "document" substitute " traditional document ",

(iii) in sub-paragraph (5), in paragraph (a) of the first subsection set out in substitution for section 3(1), for "document" substitute " traditional document ",

(iv) in sub-paragraph (7), in paragraph (a) of the first sub-paragraph set out in substitution for paragraph 1(1) of schedule 1, for "document" substitute " traditional document ",

(f) in paragraph 5—

Changes to legislation: *Land Registration etc. (Scotland) Act 2012, SCHEDULE 3 is up to date with all changes known to be in force on or before 26 June 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*

(i) in sub-paragraph (2), for first "document" substitute " traditional document ",

(ii) in sub-paragraph (4), for "document" substitute " traditional document ",

(iii) in sub-paragraph (5), in paragraph (a) of the first subsection set out in substitution for section 3(1), for first "document" substitute " traditional document ",

(iv) in sub-paragraph (7), in paragraph (a) of the first sub-paragraph set out in substitution for paragraph 1(1) of schedule 1, for "document" substitute " traditional document ",

(g) in paragraph 6—

(i) in sub-paragraph (1), for first "document" substitute " traditional document ",

(ii) in sub-paragraph (5), for "document" substitute " traditional document ",

(iii) in sub-paragraph (6), in paragraph (a) of the first subsection set out in substitution for section 3(1), for first "document" substitute " traditional document ",

(iv) in sub-paragraph (7), in paragraph (a) of the first sub-paragraph set out in substitution for paragraph 1(1) of schedule 1, for first "document" substitute " traditional document ".

Commencement Information

I25 Sch. 3 para. 25 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

26 In schedule 3 (modifications of the Act in relation to subscription or signing by relevant person under section 9 of the Act)—

(a) in paragraph 2, in paragraph (a) of the subsection set out in substitution for section 3(1), for "document" substitute " traditional document ",

(b) in paragraph 4, in the subsection set out in substitution for section 3(4), for first "document" substitute " traditional document ",

(c) in paragraph 7, in paragraph (a) of the subsection set out in substitution for section 4(1), for "document" substitute " traditional document ",

(d) in paragraph 9, in sub-paragraph (a) of the paragraph set out in substitution for paragraph 1(1) of schedule 1, for first "document" substitute " traditional document ",

(e) in paragraph 14, in sub-paragraph (a) of the paragraph set out in substitution for paragraph 2(1) of schedule 1, for first "document" substitute " traditional document ".

Commencement Information

I26 Sch. 3 para. 26 in force at 8.12.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 3** (see S.S.I. 2014/127, art. 2)

27 In paragraph 1 of schedule 4 (minor and consequential amendments)—

(a) in sub-paragraph (1), after "section 6(2)" insert " or 9F(2) ",

Changes to legislation: *Land Registration etc. (Scotland) Act 2012, SCHEDULE 3 is up to date with all changes known to be in force on or before 26 June 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*

(b) in sub-paragraph (2), for "or subscribed" substitute " , subscribed or authenticated ".

Commencement Information

I27 Sch. 3 para. 27 in force at 11.5.2014 for specified purposes by S.S.I. 2014/41, art. 2, **sch. Pt. 2** (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)

Changes to legislation:
Land Registration etc. (Scotland) Act 2012, SCHEDULE 3 is up to date with all changes known to be in force on or before 26 June 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.
View outstanding changes

Changes and effects yet to be applied to :

– Sch. 3 para. 27(a) word substituted by S.S.I. 2014/346 art. 2(2)

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. 48A48B and cross-heading inserted by 2016 asp 18 s. 43(2)
– s. 116(3)(ba)(bb) inserted by 2016 asp 18 s. 43(3)