

CORONAVIRUS (SCOTLAND) (NO.2) ACT 2020

EXPLANATORY NOTES

DETAIL ABOUT PROVISIONS

Schedule 4: Other measures in response to coronavirus

Register of judgments

136. Paragraph 4 relates to the Register of judgments and modifies Chapter 62 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443) for the duration the Act is in effect, making provision for registration and the issuing of documents to proceed on the basis of electronic submission to and by the Keeper of the Registers of documents and copies of documents.
137. Paragraph 4(2) introduces a new rule 62.102 which sets out that this provision applies to documents where electronic submission is not already permitted in terms of paragraph 1(4) of schedule 4 of the 2020 Act. Taken together, these provisions ensure that all documents capable of being registered in the register can be proceed on the basis of a document submitted to the Keeper by electronic means.
138. Paragraphs (2) and (6) of the new rule provide that documents may be signed by way of a basic electronic signature construed in accordance with section 7(2) of the Electronic Communications Act 2000 but also includes a version of an electronic signature which is reproduced on a paper document.
139. Paragraphs (3)(a) and (4) of the new rule also set out that the provisions relating to electronic submission to the register apply when the means and form for electronic submission are specified as acceptable on the Keeper's website.
140. Paragraphs (3)(b) and (5) of the new rule provide for Keeper to issue documents electronically in a manner agreed either expressly or inferred in relation to the recipient.