



Coronavirus (Recovery and Reform) (Scotland) Act 2022

2022 asp 8

PART 3

PUBLIC SERVICE REFORM

Requirements of writing

39 Disapplication of physical presence requirements

- (1) The Requirements of Writing (Scotland) Act 1995 is modified as follows.
- (2) In section 9(6) (subscription on behalf of blind granter or granter unable to write), after “this Act” insert “(other than section 10A)”.
- (3) After section 10 insert—

“10A Disapplication of physical presence requirements

- (1) The following requirements (however expressed) do not apply—
 - (a) a requirement for a relevant person to be physically in the same place as another person when that person—
 - (i) signs or subscribes a document or an alteration of a document,
 - (ii) takes an oath, or
 - (iii) makes an affirmation or declaration,
 - (b) a requirement for another person to be physically in the same place as a relevant person when the relevant person signs or subscribes a document or an alteration of a document.
- (2) In this section—

“relevant person” means—

 - (a) a solicitor,
 - (b) an advocate,
 - (c) a notary public,

Status: This is the original version (as it was originally enacted).

“requirement” means a requirement arising from an enactment or rule of law.

(3) For the avoidance of doubt—

- (a) the requirements described by [subsection \(1\)\(a\)](#) include a requirement that may be fulfilled by the physical presence of a professional of a type not mentioned in the definition of “relevant person” as well as by a professional of a type that is (for example, it includes a requirement for the physical presence of a solicitor or a registered medical practitioner), but
- (b) [subsection \(1\)](#) only causes such a requirement not to apply in relation to a professional of a type that is mentioned in the definition of “relevant person.”.