

SCHEDULE TEMPORARY JUSTICE MEASURES

PART 1

COURTS AND TRIBUNALS: CONDUCT OF BUSINESS BY ELECTRONIC MEANS ETC.

CHAPTER 1

DOCUMENTS

Electronic signing

- 1 (1) An electronic signature fulfils any requirement (however expressed and for whatever purpose) for the signing, intialling or signetting of—
- (a) a document of a type mentioned in [paragraph 3\(1\)](#), or
 - (b) a deletion or correction to such a document.
- (2) In [this paragraph](#), “electronic signature” is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000, but includes a version of an electronic signature which is reproduced on a paper document.

Sending electronically and to a solicitor

- 2 (1) Any requirement (however expressed) that a document of a type mentioned in [paragraph 3\(1\)](#) be given to a person may be fulfilled by—
- (a) transmitting it to the person electronically, or
 - (b) transmitting it (electronically or otherwise) to a solicitor engaged to act on the person’s behalf in relation to the proceedings in question.
- (2) For the purposes of [this paragraph](#)—
- (a) electronic transmission of a document by one person (“the sender”) to another person (“the recipient”) must be effected in a way that the recipient has indicated to the sender that the recipient is willing to receive the document,
 - (b) the recipient’s indication of willingness to receive a document in a particular way may be—
 - (i) specific to the document in question or generally applicable to documents of that kind,
 - (ii) expressed specifically to the sender or generally (for example on a website),
 - (iii) inferred from the recipient having previously been willing to receive documents from the sender in that way and not having indicated unwillingness to do so again,
 - (c) the sender’s uploading of a document to an electronic storage system from which the recipient is able to download the document may constitute electronic transmission of the document from the sender to the recipient.
- (3) In [this paragraph](#), references to giving a person a document include—
- (a) serving a document on a person,

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- (b) sending a document to a person, and
- (c) lodging a document with, or otherwise apply to or petitioning, a court or tribunal.

Documents to which paragraphs 1 and 2 apply

- 3 (1) The types of document referred to in paragraphs 1 and 2 are—
- (a) an order, warrant, sentence, citation, minute or any other document produced by a court or tribunal,
 - (b) an extract of any document referred to in paragraph (a),
 - (c) any document that an enactment requires be given to a person in connection with, or in order to initiate, proceedings,
 - (d) any document that an enactment requires to be signed, initialled or signetted in order that it, or any other thing, may be used in proceedings for any purpose including—
 - (i) being used as evidence, or
 - (ii) being treated as sufficient evidence of a matter.
- (2) But a type of document mentioned in sub-paragraph (1) is not to be regarded as mentioned in that sub-paragraph for the purposes of paragraph 1 or 2 (or both) if—
- (a) the Lord President of the Court of Session, or
 - (b) the Lord Justice General,
- directs that it is not.
- (3) A direction under sub-paragraph (2) may—
- (a) relate to some or all proceedings,
 - (b) vary or revoke an earlier direction under that sub-paragraph.

Intimation etc. on Scottish Courts and Tribunals Service website

- 4 (1) Any requirement (however expressed) that a document—
- (a) be put on the walls, doors or any other part of a court building (whether internal or external), or
 - (b) be made publicly available in any other way within a court building,
- may be fulfilled instead by the document's being made publicly available through the Scottish Courts and Tribunals Service website.
- (2) But sub-paragraph (1) does not apply to a document if it is of a type that—
- (a) the Lord President of the Court of Session, or
 - (b) the Lord Justice General,
- has directed that sub-paragraph (1) does not apply to.
- (3) Where a document is to be made publicly available through the Scottish Courts and Tribunals Service website by virtue of this paragraph, it is to so be made available in accordance with—
- (a) any direction issued by—
 - (i) the Lord President of the Court of Session, or
 - (ii) the Lord Justice General, and
 - (b) (subject to any necessary modifications) any enactment about—

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- (i) how a step mentioned in [paragraph \(a\)](#) or [\(b\)](#) of [sub-paragraph \(1\)](#) is to be taken in relation to the document, or
 - (ii) the length of time for which the document is to be made publicly available in a way described by those paragraphs.
- (4) A direction under [sub-paragraph \(3\)\(a\)](#) may, in particular, provide that a document is to be made available only in a redacted form.
- (5) If an enactment provides for an alternative to taking a step mentioned in [paragraph \(a\)](#) or [\(b\)](#) of [sub-paragraph \(1\)](#) as a means of achieving an outcome (for example, advertising an application in a newspaper as a means of intimating it), nothing in [this paragraph](#) precludes the taking of that alternative step to achieve the outcome.
- (6) In [this paragraph](#), “the Scottish Courts and Tribunals Service website” means the website maintained by, or on behalf of, the Service with the internet domain name [scotcourts.gov.uk](#).

Interpretation of Chapter

- 5 In [this Chapter](#)—
- (a) references to a court or tribunal include an office holder of a court or tribunal,
 - (b) “document” includes a copy of a document.