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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 277**

**Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Recognition and Enforcement of Judgments) 2022**

**Amendment of the Rules of the Court of Session 1994**

2.—(1) Chapter 62 (recognition, registration and enforcement of foreign judgments, etc.) of the Rules of the Court of Session<sup>(1)</sup> is amended in accordance with this paragraph.

(2) After rule 62.3 (translation of document lodged) insert—

**“Electronic signing and transmission of documents**

**62.3A.**—(1) This rule applies in relation to a document which is to be given to, or issued by, the Keeper of the Registers under this Chapter.

(2) In this rule—

“document” includes a copy of a document;

“electronic signature” is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000<sup>(2)</sup> (electronic signatures and related certificates), but includes a version of an electronic signature which is produced on a paper document;

“the Keeper of the Registers’ website” means the website maintained by, or on behalf of, the Keeper of the Registers with the domain name ros.gov.uk.

(3) An electronic signature fulfils any requirement (however expressed) that the document be signed.

(4) The document may be—

(a) given to the Keeper of the Registers by transmitting it to the Keeper of the Registers electronically;

(b) issued to a person by the Keeper of the Registers by—

(i) transmitting it to the person electronically;

(ii) transmitting it (electronically or otherwise) to a solicitor engaged to act on the person’s behalf in relation to the document.

(5) For the purposes of paragraph (4)(a), the document may be transmitted by a means (and in a form) which is specified on the Keeper of the Registers’ website as being acceptable for those purposes.

(6) For the purposes of paragraph (4)(b)—

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(1) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2022/250. Chapter 62 was last amended by S.S.I. 2020/440. Chapter 62 is temporarily modified by paragraph 4 of schedule 4 of the Coronavirus (Scotland) (No. 2) Act 2020 (asp 10) and those modifications are set to expire at the end of 30th September 2022 by virtue of section 9(1) of that Act, last amended by S.S.I. 2022/113.

(2) 2000 c. 7. Section 7(2) was substituted by S.I. 2016/696.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) electronic transmission of a document by the Keeper of the Registers to another person (“the recipient”) must be effected in a way that the recipient has indicated to the Keeper of the Registers 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 Keeper of the Registers or generally (for example, on a website);
  - (iii) inferred from the recipient having previously been willing to receive documents from the Keeper of the Registers in that way and not having indicated unwillingness to do so again;
- (c) the Keeper of the Registers’ 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 Keeper of the Registers to the recipient.”.