

**Changes to legislation:** Requirements of Writing (Scotland) Act 1995, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 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

## SCHEDULES

### SCHEDULE 4 **S**

Section 14(1)

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *General adaptation*

- 1 (1) Any reference in any other enactment to a probative document shall, in relation to a document executed after the commencement of this Act, be construed as a reference to a document in relation to which section 6(2)<sup>[F1]</sup> or <sup>[F2]</sup>9G(2)] of this Act applies.
- (2) For the purposes of any enactment—
- (a) providing for a document to be executed by a body corporate by affixing its common seal; or
  - (b) referring (in whatever terms) to a document so executed,
- a document signed <sup>[F3]</sup>, subscribed or authenticated] by or on behalf of the body corporate in accordance with the provisions of the Requirements of Writing (Scotland) Act 1995 shall have effect as if so executed.

##### **Textual Amendments**

- F1** Words in Sch. 4 para. 1(1) inserted (11.5.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **Sch. 3 para. 27(a)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)
- F2** Word in Sch. 4 para. 1(1) substituted (8.12.2014) by [The Land Registration etc. \(Scotland\) Act 2012 \(Amendment and Transitional\) Order 2014 \(S.S.I. 2014/346\)](#), arts. 1(2), **2(1)**
- F3** Words in Sch. 4 para. 1(2) substituted (11.5.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, **Sch. 3 para. 27(b)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(b)(2), Sch. Pt. 2 (with arts. 3, 4)

##### *Specific enactments*

##### *Lands Clauses Consolidation (Scotland) Act 1845*

- 2 In Schedules (A) and (B) to the <sup>M1</sup>Lands Clauses Consolidation (Scotland) Act 1845 at the end of each of the forms there shall be added—
- “Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

##### **Marginal Citations**

- M1** 1845 c. 19.

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*Infertment Act 1845*

- 3 In Schedules (A) and (B) to the <sup>M2</sup>Infertment Act 1845 for the words from “In witness” to the end there shall be substituted the words “Testing clause+

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

**Marginal Citations**

**M2** 1845 c. 35.

*Commissioners Clauses Act 1847*

- 4 At the end of section 59 of the <sup>M3</sup>Commissioners Clauses Act 1847 there shall be added the following subsection—

“(2) This section shall apply to Scotland as if—

- (a) for the words from “by deed under” to “recorded” there were substituted the words—

“by a document—

- (a) if they are a corporation, subscribed in accordance with section 7 of, and paragraph 5 of Schedule 2 to, the Requirements of Writing (Scotland) Act 1995;
- (b) if they are not a corporation, subscribed in accordance with the said section 7 by the commissioners or any two of them acting by the authority of and on behalf of the commissioners;

and a document so subscribed, followed by infertment duly recorded,”;

- (b) for the words from “under such” to “acting” there were substituted the word “subscribed”.”

**Marginal Citations**

**M3** 1847 c. 16.

- 5 At the end of section 75 of that Act there shall be added the following subsection—

“(2) This section shall apply to Scotland as if for the words “by deed” to “five of them” there were substituted the words—in a document—

- (a) which is duly stamped;
- (b) in which the consideration is truly stated; and
- (c) which is subscribed, if the commissioners—
- (i) are a corporation, in accordance with section 7 of, and paragraph 5 of Schedule 2 to, the Requirements of Writing (Scotland) Act 1995;
- (ii) are not a corporation, in accordance with the said section 7 by the commissioners or any five of them,”.

- 6 At the end of section 77 of that Act there shall be added the following subsection—

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“(2) This section shall apply to Scotland as if for the words “by deed duly stamped” there were substituted the words “in a document which is duly stamped and which is subscribed in accordance with the Requirements of Writing (Scotland) Act 1995.”.”.

7 In Schedule (B) to that Act—

- (a) the words from “or, if the deed” to “case may be,” are hereby repealed;
- (b) at the end there shall be added the words “[or, if the document is granted under Scots law, insert testing clause+]”

+Note—As regards a document granted under Scots law, subscription of it by the granter will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

8 In Schedule (C) to that Act—

- (a) the words from “[or, if the deed” to “Scotland,]” are hereby repealed;
- (b) at the end there shall be added the words “[or, if the document is granted under Scots law, insert testing clause+]”

+Note—As regards a document granted under Scots law, subscription of it by the granter will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

#### *Entail Amendment Act 1848*

9 In section 50 of the <sup>M4</sup>Entail Amendment Act 1848 for the word “tested” there shall be substituted the word “subscribed”.

#### **Marginal Citations**

**M4** 1848 c. 36.

10 In the Schedule to that Act—

- (a) the words “and of the witnesses subscribing,” are hereby repealed;
- (b) for the words from “In witness whereof” to the end there shall be substituted the words “Testing clause+”

+Note—Subscription of the document by the heir of entail in possession and the notary public will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

#### *Ordnance Board Transfer Act 1855*

11 At the end of section 5 of the <sup>M5</sup>Ordnance Board Transfer Act 1855 there shall be added the following subsection—

“(2) This section shall apply to Scotland as if for the words from “signing” to “his deed” there were substituted the words “subscribing it in accordance with the Requirements of Writing (Scotland) Act 1995.”.”.

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**Marginal Citations**

**M5** 1855 c. 117.

*Registration of Leases (Scotland) Act 1857*

- 12 In Schedule (A) to the <sup>M6</sup>Registration of Leases (Scotland) Act 1857 for the words “in common form” there shall be substituted—

“+

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

**Marginal Citations**

**M6** 1857 c. 26.

- 13 In each of Schedules (B), (C), (D), (F), (G) and (H) to that Act after the words “Testing clause” there shall be inserted “+

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

*Transmission of Moveable Property (Scotland) Act 1862*

- 14 In each of Schedules A and B to the <sup>M7</sup>Transmission of Moveable Property (Scotland) Act 1862 for the words from “In witness whereof” to the end there shall be substituted the words “Testing clause+”

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

**Marginal Citations**

**M7** 1862 c. 85.

- 15 In Schedule C to that Act for the words from “and D” to the end there shall be substituted the words “ Testing clause ”.

*Titles to Land Consolidation (Scotland) Act 1868*

- 16 In Schedule (B) nos. 1 and 2 and (AA) no. 3 to the <sup>M8</sup>Titles to Land Consolidation (Scotland) Act 1868 for the words from “In witness whereof” to “usual form]” there shall be substituted the words “Testing clause+”

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

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#### Marginal Citations

M8 1868 c. 101.

- 17 In Schedules (J), (BB) no. 1, (CC) nos. 1 and 2 and (OO) to that Act for the words from “In witness whereof” to the end there shall be substituted the words “Testing clause+

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

- 18 In Schedule (FF) no. 1 to that Act—
- (a) for the words from “In witness whereof” to “usual form]” there shall be substituted the words “ Testing clause+ ”;
  - (b) at the end there shall be added “+ Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

- 19 In Schedule (GG) to that Act—
- (a) for the words from “In witness whereof” to “I K Witness” there shall be substituted the words “ Testing clause+ ”;
  - (b) after Note (b) there shall be inserted—

“(c) Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

- 20 In Schedule (NN) to that Act—
- (a) for the words from “In witness whereof” to “G H Witness” there shall be substituted the words “ Testing clause+ ”;
  - (b) at the end there shall be added—

“+Subscription of the document by the granter if it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

#### *Conveyancing (Scotland) Act 1874*

- 21 In Schedules C, F, L nos. 1 and 2 and N to the <sup>M9</sup>Conveyancing (Scotland) Act 1874 for the words “In witness whereof [testing clause]” there shall be substituted the words “Testing clause+

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

#### Marginal Citations

M9 1874 c. 94.

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- 22 In Schedule G to that Act—
- (a) for the words “In witness whereof [testing clause]” there shall be substituted the words “ Testing clause+ ”;
  - (b) at the end of the Note there shall be added—

“+Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

- 23 In Schedule M to that Act for the words “and add testing clause]” there shall be substituted the words “Testing clause+]”

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

*Colonial Stock Act 1877*

- 24 At the end of subsection (1) of section 4 of the <sup>M10</sup>Colonial Stock Act 1877 there shall be added the words “or, in relation to Scotland, subscribed in accordance with section 7 of the Requirements of Writing (Scotland) Act 1995.”.

**Marginal Citations**

**M10** 1877 c. 59.

- 25 At the end of section 6 of that Act there shall be added the following subsection—

“(2) This section shall have effect in relation to Scotland as if for the words from “given” to “attested” there were substituted the words “subscribed by the person not under disability in accordance with section 7 of the Requirements of Writing (Scotland) Act 1995.”.

*Colonial Stock Act 1892*

- 26 After subsection (2) of section 2 of the <sup>M11</sup>Colonial Stock Act 1892 there shall be added the following subsection—

“(2A) This section shall have effect in relation to Scotland as if—

- (a) in subsection (1) for the words from “deed according” to “parties” there were substituted the words “a document in the form set out in the Schedule to this Act or to the like effect and the document as executed”;
- (b) in subsection (2) for the words “by deed” there were substituted the words “under this section”.

**Marginal Citations**

**M11** 1892 c. 35.

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27 At the end of the Schedule to that Act there shall be added the words “[If the document is granted under the law of Scotland, for the words from “Witness our hands” to the end substitute “[Testing clause+

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).]”].

*Feudal Casualties (Scotland) Act 1914*

28 In each of Schedules B and C to the <sup>M12</sup>Feudal Casualties (Scotland) Act 1914—  
(a) for the words “In witness whereof” there shall be substituted the words “Testing clause ”; and  
(b) at the end of the Note there shall be added the words “Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

**Marginal Citations**

**M12** 1914 c. 48.

*Trusts (Scotland) Act 1921*

29 In Schedule A to the <sup>M13</sup>Trusts (Scotland) Act 1921—  
(a) for the words “(To be attested)” there shall be substituted the words “Testing clause+ ”;  
(b) at the end there shall be added—

“+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

**Marginal Citations**

**M13** 1921 c. 58.

30 In Schedule B to that Act for the words “(To be attested)” there shall be substituted the words “Testing clause+

+Note—Subscription of the document by the granter or granters of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

*Conveyancing (Scotland) Act 1924*

31 In Schedule B to the <sup>M14</sup>Conveyancing (Scotland) Act 1924—  
(a) in forms nos. 1 to 6 for the words “[To be attested]” there shall be substituted the words “ Testing clause+ ”;

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(b) at the end of the Notes there shall be added—

“+Note 8—Subscription of the document by the notary public (or law agent) on behalf of the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

#### Marginal Citations

**M14** 1924 c. 27.

32 In Schedule E to that Act for the words “[To be attested]” there shall be substituted the words “Testing clause+”

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

33 In Schedules G and H to that Act for the words “[to be attested]” there shall be substituted the words “Testing clause+”

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

34 In Schedule K to that Act—

(a) in forms nos 1 to 7 for the words “[To be attested]” there shall be substituted the words “ Testing clause+ ”;

(b) at the end of the notes there shall be added—

“+Note 5—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

35 In Schedule L to that Act, in form 4, for the words “[To be attested]” there shall be substituted the words “Testing clause+”

+Note—Subscription of the document by the notary public or law agent on behalf of the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

36 In Schedule N to that Act for the words “[To be attested]” there shall be substituted the words “Testing clause+”

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

#### *Long Leases (Scotland) Act 1954*

37 In the Fourth Schedule to the <sup>M15</sup>Long Leases (Scotland) Act 1954—

(a) for the words “[To be attested]” there shall be substituted the words— “ Testing clause+ ”;



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(b) at the end of the Notes there shall be added—

“+4 Subscription of the feu contract by the parties to it will be sufficient for the contract to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

**Marginal Citations**

M15 1954 c. 49.

*Succession (Scotland) Act 1964*

38 At the end of section 21 of the <sup>M15</sup>Succession (Scotland) Act 1964 there shall be added the following subsection—

“(2) This section shall not apply to a testamentary document executed after the commencement of the Requirements of Writing (Scotland) Act 1995.”.

**Marginal Citations**

M16 1964 c. 41.

39 After section 21 of that Act there shall be inserted the following section—

**“21A Evidence as to testamentary documents in commissary proceedings.**

Confirmation of an executor to property disposed of in a testamentary document executed after the commencement of the Requirements of Writing (Scotland) Act 1995 shall not be granted unless the formal validity of the document is governed—

- (a) by Scots law and the document is presumed under section 3 or 4 of that Act to have been subscribed by the granter so disposing of that property; or
- (b) by a law other than Scots law and the court is satisfied that the document is formally valid according to the law governing such validity.”.

40 For section 32 of that Act there shall be substituted the following section—

**“32 Certain testamentary dispositions to be formally valid.**

- (1) For the purpose of any question arising as to entitlement, by virtue of a testamentary disposition, to any relevant property or to any interest therein, the disposition shall be treated as valid in respect of the formalities of execution.
- (2) Subsection (1) above is without prejudice to any right to challenge the validity of the testamentary disposition on the ground of forgery or on any other ground of essential invalidity.
- (3) In this section “relevant property” means property disposed of in the testamentary disposition in respect of which—

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- (a) confirmation has been granted; or
- (b) probate, letters of administration or other grant of representation—
  - (i) has been issued, and has noted the domicile of the deceased to be, in England and Wales or Northern Ireland; or
  - (ii) has been issued outwith the United Kingdom and had been sealed in Scotland under section 2 of the Colonial Probates Act 1892.”.

41 In Schedule 1 to that Act for the words “[To be attested by two witnesses] [Signature of A B]” there shall be substituted the words “Testing clause+

+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

*Industrial and Provident Societies Act 1965*

F442 .....

**Textual Amendments**

F4 Sch. 4 para. 42 repealed (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 7](#) (with [Sch. 5](#))

F543 .....

**Textual Amendments**

F5 Sch. 4 para. 43 repealed (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 7](#) (with [Sch. 5](#))

*Conveyancing and Feudal Reform (Scotland) Act 1970*

44 In Schedule 2 to the <sup>M17</sup>Conveyancing and Feudal Reform (Scotland) Act 1970—

- (a) in forms A and B for the words “[To be attested]” there shall be substituted the words “ Testing clause+ ”;
- (b) at the end of the Notes there shall be added—

“+Note 8—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

**Marginal Citations**

M17 1970 c. 35.

45 In Schedule 4 to that Act—

- (a) in form A and forms C to F for the words “[To be attested]” there shall be substituted the words “ Testing clause+ ”;
- (b) at the end of the Notes there shall be added—

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“+Note 7—Subscription of the document by the granter of it, or in the case of form E the granter and the consenter to the variation, will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

- 46 In Schedule 5 to that Act, in form D—
- (a) in nos 1 and 2 for the words “[To be attested]” there shall be substituted the words “ Testing clause+ ”;
  - (b) at the end there shall be added—

“+Note—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

- 47 In Schedule 9 to that Act—
- (a) for the words “[To be attested]” there shall be substituted the words “ Testing clause+ ”;
  - (b) at the end of the Notes there shall be added—

“+Note 4—Subscription of the document by the granter of it will be sufficient for the document to be formally valid, but witnessing of it may be necessary or desirable for other purposes (see the Requirements of Writing (Scotland) Act 1995).”.

*Petroleum and Submarine Pipe-lines Act 1975*

[<sup>F6</sup>48 .....]

**Textual Amendments**

**F6** Sch. 4 para. 48 repealed (15.2.1999) by [Petroleum Act 1998 \(c. 17\)](#), ss. 51(1), 52(4), [Sch. 5, Pt. I](#); S.I. 1999/161, [art. 2\(1\)](#)

*Patents Act 1977*

- 49 In section 31(6) of the <sup>M18</sup>Patents Act 1977 for the words from “probative” to the end there shall be substituted the words “ subscribed in accordance with the Requirements of Writing (Scotland) Act 1995. ”.

**Marginal Citations**

**M18** 1977 c. 37.

*Oil and Gas (Enterprise) Act 1982*

[<sup>F7</sup>50 .....]

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### Textual Amendments

- F7** Sch. 4 para. 50 repealed (15.2.1999) by [Petroleum Act 1998 \(c. 17\)](#), ss. 51(1), 52(4), [Sch. 5](#), Pt. I; S.I. 1999/161, [art. 2\(1\)](#)

## Companies Act 1985

51 **F8** .....

### Textual Amendments

- F8** Sch. 4 paras. 51- 54 repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); S.I. 2008/2860, [art. 4](#), [Sch. 1 Pt. 1](#) (with arts. 5, 7, 8, [Sch. 2](#)) (as amended by S.I. 2009/1802, [art. 18](#); S.I. 2009/2476, [reg. 2\(4\)](#))

52 **F9** .....

### Textual Amendments

- F9** Sch. 4 paras. 51- 54 repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); S.I. 2008/2860, [art. 4](#), [Sch. 1 Pt. 1](#) (with arts. 5, 7, 8, [Sch. 2](#)) (as amended by S.I. 2009/1802, [art. 18](#); S.I. 2009/2476, [reg. 2\(4\)](#))

53 **F10** .....

### Textual Amendments

- F10** Sch. 4 paras. 51- 54 repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); S.I. 2008/2860, [art. 4](#), [Sch. 1 Pt. 1](#) (with arts. 5, 7, 8, [Sch. 2](#)) (as amended by S.I. 2009/1802, [art. 18](#); S.I. 2009/2476, [reg. 2\(4\)](#))

54 **F11** .....

### Textual Amendments

- F11** Sch. 4 paras. 51- 54 repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); S.I. 2008/2860, [art. 4](#), [Sch. 1 Pt. 1](#) (with arts. 5, 7, 8, [Sch. 2](#)) (as amended by S.I. 2009/1802, [art. 18](#); S.I. 2009/2476, [reg. 2\(4\)](#))

55 **F12** .....

### Textual Amendments

- F12** Sch. 4 paras. 55, 56 repealed (6.4.2008) by [Companies Act 2006 \(c. 46\)](#), ss. 1295, 1300(2), [Sch. 16](#); S.I. 2007/3495, [art. 8\(a\)](#), [Sch. 2 Pt. 1](#) (with [art. 12](#))

56 **F13** .....

**Changes to legislation:** Requirements of Writing (Scotland) Act 1995, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 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

**Textual Amendments**

**F13** Sch. 4 paras. 55, 56 repealed (6.4.2008) by Companies Act 2006 (c. 46), ss. 1295, 1300(2), Sch. 16; S.I. 2007/3495, art. 8(a), Sch. 2 Pt. 1 (with art. 12)

*Companies Consolidation (Consequential Provisions) Act 1985*

57 At the end of section 11 of the <sup>M19</sup>Companies Consolidation (Consequential Provisions) Act 1985 there shall be added the following subsection—

“(3) The foregoing provisions of this section are without prejudice to the right of a company to subscribe such securities and documents in accordance with the Requirements of Writing (Scotland) Act 1995.”.

**Marginal Citations**

**M19** 1985 c. 9.

*Insolvency Act 1986*

58 In section 53 of the <sup>M20</sup>Insolvency Act 1986—

- (a) in subsection (1) for the words “a validly executed instrument in writing” there shall be substituted the words “ an instrument subscribed in accordance with the Requirements of Writing (Scotland) Act 1995 ”;
- (b) for subsection (4) there shall be substituted the following subsection—

“(4) If the receiver is to be appointed by the holders of a series of secured debentures, the instrument of appointment may be executed on behalf of the holders of the floating charge by any person authorised by resolution of the debenture-holders to execute the instrument.”.

**Marginal Citations**

**M20** 1986 c. 45.

*Housing (Scotland) Act 1987*

<sup>F14</sup>59 .....

**Textual Amendments**

**F14** Sch. 4 para. 59 repealed (30.9.2002) by 2001 asp 10 , ss. 112, Sch. 10 para. 22; S.S.I. 2002/321, art. 2, Sch. Table (subject to transitional provisions and savings in arts. 3-5)

<sup>F15</sup>60 .....

**Changes to legislation:** Requirements of Writing (Scotland) Act 1995, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 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](#)

#### Textual Amendments

**F15** Sch. 4 para. 60 repealed (30.9.2002) by 2001 asp 10, s. 112, **sch. 10 para. 22**; S.S.I. 2002/321, art. 2, **Sch.** Table (subject to transitional provisions and savings in arts. 3-5)

**Changes to legislation:**

Requirements of Writing (Scotland) Act 1995, SCHEDULE 4 is up to date with all changes known to be in force on or before 07 April 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.

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**Changes and effects yet to be applied to :**

- Sch. 4 para. 2930 repealed by [2024 asp 2 Sch. 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. 6(1)(aa) inserted by [2007 asp 3 s. 48\(1\)](#)
- Sch. 2 para. 2A and cross-heading inserted by [2024 asp 2 s. 79\(2\)](#)