



# Requirements of Writing (Scotland) Act 1995

## 1995 CHAPTER 7

### [<sup>F1</sup>PART 4]

#### [<sup>F1</sup>GENERAL PROVISIONS]

#### [<sup>F1</sup>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,
- “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

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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”.]

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**Textual Amendments**

**F1** [S. 10A](#) inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), [ss. 39\(3\)](#), [59\(1\)](#)

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**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\(1\)](#)