
Changes to legislation: Land Registration etc. (Scotland) Act 2012, Paragraph 19 is up to date with all changes known to be in force on or before 19 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

SCHEDULE 3

AMENDMENT OF REQUIREMENTS OF WRITING (SCOTLAND) ACT 1995

- 19 In section 12 (interpretation)—
- (a) in subsection (1)—
- (i) repeal the definition of “ARTL System”,
- (ii) after the definition of “authorised” insert—
- ““certification”, in relation to an electronic signature incorporated into or logically associated with an electronic document, means confirming in a statement that—
- (a) the electronic signature,
- (b) a means of producing, communicating or verifying that signature, or
- (c) a procedure applied to that signature,
- is, either alone or combined with other factors, a valid means of establishing the authenticity of the electronic document, its integrity or both its authenticity and its integrity (it being immaterial, in construing this definition, whether the statement is made before or after the authentication of an electronic document to which the statement relates),”
- (iii) repeal the definition of “dealing”,
- (iv) repeal the definition of “digital signature”,
- (v) in the definition of “document”, after first “includes” insert “, in the case of a traditional document,”
- (vi) repeal the definition of “electronic communication”,
- (vii) for the definition of “electronic document” substitute—
- ““electronic document” has the meaning given by section 9A,
- “electronic signature” means so much of anything in electronic form as—
- (a) is incorporated into, or logically associated with, an electronic document, and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the electronic document, its integrity or both its authenticity and its integrity,”
- (viii) repeal the definitions of “signature-creation data” and “signature-creation device”,
- (ix) at the end insert—
- ““traditional document” has the meaning given by section 1A.”
- (b) after subsection (3) insert—
- “(4) In relation to an electronic document—
- (a) references to authenticity—
- (i) are references to whether the document has been electronically signed by a particular person, and

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- (ii) may include references to whether the document is accurately timed or dated, and
- (b) references to integrity are references as to whether there has been any tampering with, or other modification of, the document.”.

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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. 48A48B and cross-heading inserted by [2016 asp 18 s. 43\(2\)](#)
- s. 116(3)(ba)(bb) inserted by [2016 asp 18 s. 43\(3\)](#)