

---

**Changes to legislation:** Requirements of Writing (Scotland) Act 1995, Cross Heading: Commissioners Clauses Act 1847 is up to date with all changes known to be in force on or before 27 January 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

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Commissioners Clauses Act 1847*

4 At the end of section 59 of the <sup>M1</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 infeftment duly recorded,”;

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

---

#### Marginal Citations

M1 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—

“(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

---

**Changes to legislation:** Requirements of Writing (Scotland) Act 1995, Cross Heading: Commissioners Clauses Act 1847 is up to date with all changes known to be in force on or before 27 January 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](#)

---

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).”.

**Changes to legislation:**

Requirements of Writing (Scotland) Act 1995, Cross Heading: Commissioners Clauses Act 1847 is up to date with all changes known to be in force on or before 27 January 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.

[View outstanding changes](#)

**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\(1\)](#)