



# Requirements of Writing (Scotland) Act 1995

## 1995 CHAPTER 7

### [<sup>F1</sup>PART 2

#### TRADITIONAL DOCUMENTS]

### 9 Subscription on behalf of blind granter or granter unable to write.

- (1) Where a granter of a [<sup>F1</sup>traditional document] makes a declaration to a relevant person that he is blind or unable to write, the relevant person—
  - (a) having read the document to that granter; or
  - (b) if the granter makes a declaration that he does not wish him to do so, without having read it to the granter,shall, if authorised by the granter, be entitled to subscribe it and, if it is a testamentary document, sign it as mentioned in section 3(2) of this Act, on the granter's behalf.
- (2) Subscription or signing by a relevant person under subsection (1) above shall take place in the presence of the granter.
- (3) This Act shall have effect in relation to subscription or signing by a relevant person under subsection (1) above subject to the modifications set out in Schedule 3 to this Act.
- (4) A document subscribed by a relevant person under subsection (1) above which confers on the relevant person or his spouse, son or daughter a benefit in money or money's worth (whether directly or indirectly) shall be invalid to the extent, but only to the extent, that it confers such benefit.
- (5) This section and Schedule 3 to this Act apply in relation to the signing of—
  - (a) an annexation to a [<sup>F2</sup>traditional document] as mentioned in section 8(2) of this Act;
  - (b) an alteration made to a [<sup>F3</sup>traditional document as mentioned in section 5(1)] or to any such annexation to a document,

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as they apply in relation to the subscription of a document; and for that purpose, any reference to reading a document includes a reference to describing a plan, drawing, photograph or other representation in such an annexation or in an alteration to such an annexation.

- (6) In this Act [<sup>F4</sup>(other than section 10A)] “relevant person” means a solicitor who has in force a practising certificate as defined in section 4(c) of the <sup>M1</sup>Solicitors (Scotland) Act 1980, an advocate, a justice of the peace or a sheriff clerk and, in relation to the execution of documents outwith Scotland, includes a notary public or any other person with official authority under the law of the place of execution to execute documents on behalf of persons who are blind or unable to write.
- (7) Nothing in this section shall prevent the granter of a document who is blind from subscribing or signing the document as mentioned in section 7 of this Act.

#### Textual Amendments

- F1** Words in s. 9 substituted (8.12.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012](#) (asp 5), ss. 122, 123, **Sch. 3 para. 17(a)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(c)(2), Sch. Pt. 3 (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)
- F2** Words in s. 9(5)(a) substituted (8.12.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012](#) (asp 5), ss. 122, 123, **Sch. 3 para. 17(b)(i)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(c)(2), Sch. Pt. 3 (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)
- F3** Words in s. 9(5)(b) substituted (8.12.2014 for specified purposes) by [Land Registration etc. \(Scotland\) Act 2012](#) (asp 5), ss. 122, 123, **Sch. 3 para. 17(b)(ii)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/41, art. 2(1)(c)(2), Sch. Pt. 3 (with arts. 3, 4) (see S.S.I. 2014/127, art. 2)
- F4** Words in s. 9(6) inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#) (asp 8), **ss. 39(2)**, 59(1)

#### Modifications etc. (not altering text)

- C1** S. 9 modified (15.8.2003) by [Public Appointments and Public Bodies etc. \(Scotland\) Act 2003](#) (asp 4), **s. 14(3)**; S.S.I. 2003/384, **art. 2(a)**

#### Marginal Citations

- M1** 1980 c. 46 .

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