SCOTTISH STATUTORY INSTRUMENTS

2025 No. 302

COURT OF SESSION

SHERIFF APPEAL COURT

SHERIFF COURT

Act of Sederunt (Electronic Signature and Electronic Transmission of Documents) 2025

Made - - - -	*29th October 2025*
Laid before the Scottish Parliament	*30th October 2025*
Coming into force	*1st December 2025*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(**a**), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by sections 103(1) and 104(1) of the Courts Reform (Scotland) Act 2014(**b**) and all other powers enabling it to do so.

Citation and commencement, etc.

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Electronic Signature and Electronic Transmission of Documents) 2025.

(2) It comes into force on 1st December 2025.

(3) A certified copy is to be inserted in the Books of Sederunt.

Application and interpretation

2.—(1) Subject to sub-paragraph (2), this Act of Sederunt applies to—

(a) any Act of Sederunt, whenever made;

(b) the Ordinary Cause Rules 1993(**c**).

(2) This Act of Sederunt does not apply to commissary business.

(**a**) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(**b**) 2014 asp 18.

(**c**) The Ordinary Cause Rules 1993 are in schedule 1 of the Sheriff Courts (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by S.I. 1993/1956 and last amended by S.S.I. 2025/80.

(3) In paragraph 2(2), "commissary business" means the business conducted prior to the Sheriff Courts (Scotland) Act 1876(**a**) in the commissary courts and transferred by that Act to the sheriff court.

Documents to which paragraphs 4 and 5 apply

3. The types of document referred to in paragraphs 4 and 5 are—

(a) an order, warrant, citation, minute or any other document produced by a court or tribunal;

(b) an extract of any document referred to in sub-paragraph (a);

(c) any document that requires to be given to a person in connection with, or in order to initiate, proceedings;

(d) any document that requires to be signed, initialled or signetted in order that it, or any other thing, may be used in proceedings for any purpose including—

(i) being used as evidence; or

(ii) being treated as sufficient evidence of a matter.

Electronic signature

4.—(1) An electronic signature fulfils any requirement (however expressed) for the authentication, certifying, signing, signing and dating, initialling, endorsing or signetting of—

(a) a document of a type mentioned in paragraph 3; or

(b) a deletion or correction to such a document.

(2) In this paragraph, "electronic signature" is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000(**b**), but includes a version of an electronic signature which is reproduced on a paper document.

Electronic transmission of documents

5.—(1) Any requirement (however expressed) that a document of a type mentioned in paragraph 3 be given to a person may be fulfilled by—

(a) transmitting it to the person electronically; or

(b) transmitting it (electronically or otherwise) to a solicitor engaged to act on the person's behalf in relation to the proceedings in question.

(2) For the purposes of this paragraph—

(a) electronic transmission of a document by one person ("the sender") to another person ("the recipient") must be effected in a way that the recipient has indicated to the sender that the recipient is willing to receive the document;

(b) the recipient's indication of willingness to receive a document in a particular way may be—

(i) specific to the document in question or generally applicable to documents of that kind;

(ii) expressed specifically to the sender or generally (for example on a website);

(iii) inferred from the recipient having previously been willing to receive documents from the sender in that way and not having indicated unwillingness to do so again;

(c) the sender's uploading of a document to an electronic storage system from which the recipient is able to download the document may constitute electronic transmission of the document from the sender to the recipient.

(**a**) 1876 c. 70. Part VII makes provision in relation to the transfer of functions from the commissary courts to the sheriff court, and was repealed by schedule 1, Part 1 of the Statute Law (Repeals) Act 1986 (c. 12).

(**b**) 2000 c. 7. Section 7(2)(b) was substituted by S.I. 2016/696.

(3) In this paragraph, references to giving a person a document include—

(a) serving a document on a person;

(b) sending a document to a person;

(c) lodging a document with, or otherwise applying to or petitioning, a court.

Consequential amendments and revocation

6.—(1) The Ordinary Cause Rules 1993 are amended in accordance with sub-paragraph (2).

(2) In rule 1.2 (interpretation)(**a**), omit paragraph (8).

(3) The Act of Sederunt (Electronic Authentication) 2016(**b**) is revoked.

(4) In the Act of Sederunt (Sheriff Court Rules Amendment) (Electronic Authentication) 2016(**c**), omit paragraph 2 (amendment of the Ordinary Cause Rules 1993).

PAUL CULLEN
Lord President
I.P.D.

Edinburgh
29th October 2025

(**a**) Rule 1.2 was last amended by S.S.I. 2023/168.
(**b**) S.S.I. 2016/306.
(**c**) S.S.I. 2016/415.

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt makes provision for the electronic signature and transmission of documents in civil court proceedings in Scotland.

Paragraph 4(1) provides that an electronic signature will fulfil any requirement in court rules for a document to be signed or otherwise authenticated.

Paragraph 5(1) provides that requirements in court rules for documents to be sent to a person will be fulfilled by transmitting the document to the person electronically or transmitting it (electronically or otherwise) to a solicitor engaged to act on the person's behalf in relation to the proceedings in question.

Rule 6 makes consequential amendments and revokes the Act of Sederunt (Electronic Authentication) 2016 as its provisions are replaced by the provisions of this Act of Sederunt.

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