



**Scottish
Civil Justice
Council**

**PUBLIC CONSULTATION: on modernising the
signet**

19 November 2024

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| • <i>Respondent Information Form</i> | |

SECTION 1: RESPONDING TO THIS CONSULTATION

1. The Rules Rewrite Committee of the Council is proposing the introduction of a new 'Order for Service' that will:
 - Convey in writing that the Court of Session has provided its authority for a summons to be served on a defender, and intimated on any person on whom is required of the RCS, where a warrant for that purpose has been inserted in the summons; and
 - Contain a 'digital watermark' to confirm that the related summons has "passed the signet".
2. Feedback on adopting this new Order for Service is sought from members of the public, the judiciary, the legal profession, court officials, and all those who may have an interest in the traditions involved in the signeting of documents.
3. The consultation will be open for twelve weeks. Written responses are invited by **26 February 2025**.
4. To respond please email scjc@scotcourts.gov.uk with your response, along with a completed **Respondent Information Form**.

Why have a public consultation?

5. This consultation will gather the widest possible range of views on the court introducing a new Order for Service with a digital watermark.

Who are we consulting with?

6. The Council would welcome responses from the following:

General Public:

Those who have received the courts authorisation to serve a summons.
Those interested in the way in which a signet seal is used to further authenticate a document.

Advice and Assistance:

Any third sector organisations providing advice to the public on the procedures used for authorising service.

Judiciary:

Senators of the College of Justice
Sheriffs Principal
Sheriffs and Summary Sheriffs Association

Practitioners:

Faculty of Advocates
Law Society of Scotland

Officials:

Scottish Courts and Tribunals Service
Scottish Law Commission
Scottish Legal Aid Board

Other:

Lord Clerk Register (*as Keeper of the Signet*)
Lord Lyon
Registers of Scotland
Royal Mint
Society of Messengers at Arms and Sheriff Officers (*SMASO*)
Society of Writers to His Majesty's Signet (*the WS Society*)

7. To support the interests of Scottish Ministers, the Council has copied this consultation to officials within the Scottish Government.
8. To support the interests of His Majesty King Charles III, the Council has copied this consultation to officials within Buckingham Palace.

How your response will be handled?

9. Your response will be handled in line with the information you provide within the Respondent Information Form. If you are content for your response to be published it will be uploaded to the SCJC website. If you do not want it published the Council will regard it as confidential and treat it accordingly. All respondents should be aware the Council is subject to the provisions of the Freedom of Information (Scotland) Act 2002. If a Freedom of Information (FOI) request is received about the responses to this consultation, any responses (including those not published) may be made available in order to respond to that FOI request.

Comments and complaints

10. If you wish to provide any feedback on this consultation, or how it is being conducted, then please email scjc@scotcourts.gov.uk.

SECTION 2: THE BACKGROUND

Purpose

11. To modernise the approach taken by adding an ‘Order for Service’ that will explicitly convey that the Court of Session has granted its authority for a pursuer to serve the related summons on a defender, and where necessary, intimate the summons on any person who intimation is required.

Background

12. The use of a signet ring or seal by the sovereign is an ancient custom, potentially holding the force of law by virtue of its long usage. The use of signeting appeared in Scots law more generally from 1707 onwards following the treaty of union. In the Court of Session that custom has evolved into the current rules requiring every summons lodged to have “passed the signet”. Further background information on what that term means can be found in the annexes:

- *Annex 1 – The history of signeting*
- *Annex 2 – The law on signeting*
- *Annex 3 – The rules on signeting*

13. The following definitions are relevant:

| <i>Term</i> | <i>Meaning</i> |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>DIGITAL WATERMARK</i> | A visible image of the signet seal included within an electronic document. <i>That image should appear in the bottom right of the court order when viewed online, with sufficient data protection to prevent extraction and use by others.</i> |
| <i>DOCQUET</i> | A brief written statement added onto or into the pages of any document. <i>For the specific purposes of signeting a summons; the relevant docquet reads “Certified signeted on DD MM YY by court official X”.</i> |
| <i>SIGNET SEAL</i> | A seal that bears the Royal Court of Arms of the sovereign. <i>In practice that signet seal is attached to, embossed on or inserted into a relevant paper based document. For an electronic document an image of that signet seal would be inserted as a digital watermark, or the process of signeting can be referenced via a docquet.</i> |
| <i>SIGNETING</i> | The process used within the Court of Session to sign and seal a court document in the name of the sovereign, and to authorise it for service. <i>In law that process is referred to as “passing the signet”.</i> |
| <i>SUMMONS</i> | A type of initiating document lodged to commence an ordinary action in the Court of Session, or an ordinary cause action in the sheriff court. |

Which rules will need to be amended?

14. The terms “pass the signet” and “signeting” are evident within RCS rule 13.5. In practice that rule means officials will have accepted a summons as suitable for consideration by the court, completed the case registration tasks required to initiate those proceedings on the courts case management system, and authorised service:

Rule 13.5 - Signeting

(1) A summons shall **pass the signet**.

(2) No summons shall bear any date but the date of signeting, which date shall be treated as the date of the summons.

(3) A summons shall be signeted and registered by a clerk of session acting under authority from the Principal Clerk (by virtue of a commission granted to him by the Keeper of the Signet).

(4) Subject to paragraph (5), a summons shall be presented to the General Department during its normal office hours for signeting and registration.

(5) In an emergency, a summons may be signeted and registered out with the normal office hours.

15. The inclusion of the term “when signeted” in RCS rule 13.6 reaffirms that where the courts authority has been given under rule 13.5 then the receipt of that signetted summons back from the courts provides the formal authority for service:

Rule 13.6 - Authority for service and intimation on signeting

13.6. **When signeted**, a summons shall be authority for-

(a) Service on the defender designed in the instance;

(b) Intimation of the summons on any person on whom intimation is required in these Rules where a warrant for that purpose has been inserted in the summons.

16. The rewording of both rules is needed to support implementation of this proposal.

How many documents need to be signeted?

17. The majority (98.5%) of civil actions have a “Warrant for Citation” (refer annex 4) issued. For a small minority (1.5%) of civil actions the fact that ‘authority to serve’ a summons has been granted by the Court of Session is communicated by adding a brief written docquet onto the original summons lodged. That in turn symbolises that the summons prepared in the name of the sovereign has royal authority by virtue of having “passed the signet”.

18. There is an underlying legal presumption that parties would understand the significance of the docquet provided, the message it communicates, and the legal reasons for doing so. Whilst that may be a reasonable assumption for those who

are legally trained, it is seen as a step too far for lay users. Hence the Council is making this proposal which will harmonise the approach taken by:

- Mandating that a court order will be issued in 100% of cases; and
- Using a digital watermark within that order to confirm that the relevant summons prepared in the sovereigns name has passed the signet.

Why add a digital watermark?

19. The law only prescribes that a summons must ‘pass the signet’ but remains silent on the methods to be used. In practice, a range of pragmatic options have evolved from impressions embossed in wax on documents; to ribbons running through wax moulds that are attached to the related document; to a written docquet being added onto a paper document; or a written docquet being added into an electronic document. The next logical option to add is inserting an image of the signet seal as a “digital watermark” (within the Order for Service).

Confirming the design

20. Following the ascension of King Charles III to the throne; the WS Society and the Registers of Scotland have been liaising with the Royal Mint to design the Royal Coat of Arms to be used in the Great Seal of Scotland, and for the updating of the current signet seal as used by the court. That design still awaits approval by the Royal Mint and registration with the Court of the Lord Lyon. Following approval of that design; the crafting of a replacement signet seal will be instructed, and that image confirmed as the digital watermark. That image will then be uploaded for use as a template court order within the courts digital case management system. If confirmation of that image is delayed then this proposed change could still be implemented with wording similar to the current docquet.

SECTION 3 – THE PROPOSAL FOR CONSULTATION

What are the proposed changes?

21. The proposal is:

- To introduce a new “Order for Service” to explicitly communicate that the ‘authority to serve’ a summons has been granted;
- To incorporate a digital watermark within that new order to have the same effect as using a docquet to confirm a summons has “passed the signet”; and
- To update the relevant forms to refer to King Charles III.

Implementing those changes

22. The implementation of those proposed changes would require:

- *RCS rule 13.5 (Signing)* – rewording of the procedure for case registration;

- *RCS rule 13.6 (Authority for service and intimation)* – rewording to make reference to the new ‘Order for Service’ and to amend the timing to start from the date of that signeted order’(rather than ‘the date of passing the signet’);
- *Consequential amendments* – where appropriate, the rewording of references made to the signet in other RCS rules or forms (*Refer Annex 3*); and
- *Court practice* – ensuring that the manual signet hand press is kept in working order: for ceremonial use where a paper based document may be preferable.

What are the benefits?

23. Those proposed changes should ‘improve the user experience’ by:

- *Providing a clear communication* – receiving an ‘Order for Service’ that states in writing that ‘authority to serve’ has been granted provides a much clearer communication that all parties can understand, and will avoid the need for lay users to have any prior legal knowledge of signeting.
- *Providing more comparable procedures* – having court orders issued in 100% of cases will contribute to the principle that “...practice and procedure should, where appropriate, be similar in all civil courts”.
- *Reinforcing the traditions of the court* – viewing the signet seal as a digital watermark adds a modern option for this long standing tradition; which in turn will reinforce other court traditions such as: the royal coat of arms as seen above the bench in every courtroom; the required presence of the court mace; the designation of senior counsel as Kings Counsel Etc.

24. Introducing this new ‘Order for Service’ will also support other policy objectives:

- It mitigates the cyber security risks carried when asking officials to open user generated documents that have been emailed in PDF format;
- It will help to facilitate the more complex data exchanges that will be needed for the transition to fully end-to end digital services; and
- It will deliver a prerequisite change for the new Ordinary Procedure Rules.

SECTION 4 – THE CONSULTATION QUESTIONS

25. Given the proposals made in section 3 of this paper, the Council would appreciate your feedback on the following questions:

Question 1 – Do you agree that inserting a digital watermark within an electronic document is an appropriate method of communicating that a summons has passed the signet? If not why not?

Question 2 – Do you agree that the introduction of an ‘Order for Service’ will provide greater clarity for both pursuers and defenders, by explicitly stating that ‘authority to serve’ has been granted?

Question 3 – Given the various laws on signeting as listed at Annex 2; are you aware of any other laws that should be on that list?

SECTION 5 – THE NEXT STEPS

26. Following the closing date the next steps will be:

Individual Responses - the individual consultation responses will be uploaded to the consultation page of the SCJC website as soon as practicable after this consultation closes (where permission to publish is given).

Consultation Analysis – the secretariat will prepare an Analysis of Responses for consideration by the Council, which will be published online.

Consultation Response - having considered the analysis provided; the Council will take a final decision on modernising the signet.

Draft Rules - if there is a decision to proceed then the Council will instruct the preparation of the draft rules required to put this change into effect.

**Secretariat to the Scottish Civil Justice Council
November 2024**

BIBLIOGRAPHY

Legislation:

Interpretation and Legislative Reform (Scotland) Act 2010

Section 26 – Service of documents

<https://www.legislation.gov.uk/asp/2010/10/data.pdf>

Coronavirus (Recovery and Reform) (Scotland) Act 2022

SCHEDULE: Temporary justice measures – Part 1: Courts and tribunals: conduct of business by electronic means etc. Chapter 1: Documents

<https://www.legislation.gov.uk/asp/2022/8/contents>

Consultations:

Covid Recovery: A consultation on public services, justice system and other reforms (Aug 2021, SG)

<https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2021/08/covid-recovery-consultation-public-services-justice-system-reforms/documents/covid-recovery-consultation-public-health-public-services-justice-system-reforms/covid-recovery-consultation-public-health-public-services-justice-system-reforms/govscot%3Adocument/covid-recovery-consultation-public-health-public-services-justice-system-reforms.pdf>

Coronavirus (Recovery and Reform) (Scotland) Bill Consultation Analysis (Jan 2022, SG)

<https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-analysis/2022/01/covid-recovery-consultation-public-health-public-services-justice-system-reforms-analysis-consultation-responses/documents/coronavirus-recovery-reform-scotland-bill-consultation-analysis/coronavirus-recovery-reform-scotland-bill-consultation-analysis/govscot%3Adocument/coronavirus-recovery-reform-scotland-bill-consultation-analysis.pdf>

Guidance

Royal Mint - Annual Report 1954 - Volume No.85 – sheet 18

<https://library.royalmintmuseum.org.uk/archive/royal-mint-annual-reports/royal-mint-annual-report-1954-volume-no85/1798500>

Sheriffs Principal - Guidance for court users – Electronic Submission of Documents (Oct 2022, SCTS)

<https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/sheriffs-principal-guidance/final--sheriffs-principal-guidance-for-court-users---electronic-submission-of-documents.pdf> (7 x SSI pages)

Lord President's Directions - No.1 of 2020 - Exception to electronic signatures and transmission of documents (Apr 2020, SCTS)

To outline the exception for commissary business

https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/coronavirus-temp-orders/lord-president/draft-covid-19-direction_lppo.pdf (1 x SSI page)

Articles:

Her Majesty's Signet (2012, Signet Magazine, Issue 206)

https://www.pure.ed.ac.uk/ws/portalfiles/portal/14095604/Her_Majesty_s_Signet.pdf

ANNEX 1 – THE HISTORY OF SIGNETING

The intention in applying a signet ring or seal to a document is to provide an added level of authentication to further validate that documents authenticity.

The origins of Signeting

Initially that added authentication was provided by a signet ring bearing a family crest (or similar design) that uniquely identified the bearer. When signing a document that signet ring was then embedded into wax melted onto that document, or into moulded wax that could be attached to it. As only the very wealthy could afford to have signet rings or wax moulds crafted, the added authentication came from the low potential for forgery of that waxed impression (at that time).

Adding a ‘keeper of the signet’

Once high volumes of official documents needed to be sealed then providing that added authentication using just the one signet ring became impractical. By the 15th century that had led to the “Office of the Keeper of the Signet” being established to sign official documents in the sovereign’s name. In practice that meant crafting a range of seals to be attached to, placed on, or inserted into a document; in order to achieve the same outcome as wax embedded with an impression from a signet ring or two part mould. At the time of writing the current Keeper of the Signet is Lady Elish Angiolini; following her appointment¹ to the role of Lord Clerk Register.

The range of seals used

27. The Treaty of Union was agreed on 22 July 1706. The Act used to put that treaty into effect for Scotland was the [Union with England Act 1707](#) with section XXIV reflecting the delegated responsibilities for signeting:

That from and after the Union there be One Great Seal for the United Kingdom of Great Britain which shall be different from the Great Seal now used in either Kingdom And that the Quartering the Arms and the Rank and Precedency of the Lyon King of Arms of the Kingdom of Scotland as may best suit the Union be left to Her Majesty And that in the meantime the Great Seal of England be used as the Great Seal of the United Kingdom and that the Great Seal of the United Kingdom be used for Sealing Writs to Elect and Summon the Parliament of Great Britain and for sealing all Treaties with Forreign Princes and States and all publick Acts Instruments and Orders of State which Concern the whole United Kingdom and in all other matters relating to England as the Great Seal of England is now used and that a Seal in Scotland after the Union be alwayes kept and made use of in all things relating to private Rights or Grants which have usually passed the Great Seal of Scotland and which only concern Offices, Grants, Commissions and private Rights within that Kingdom And that until such Seal shall be appointed by Her Majesty the present Great Seal of Scotland shall be used for such purposes and that the Privy Seal, Signet, Casset, Signet of the Justiciary Court, Quarter Seal and Seals of Courts now used in Scotland be Continued but that the said Seals be altered and adapted to the state of the Union as Her Majesty shall think fit And the said Seals and all of them and the Keepers of them shall be subject to such Regulations as the Parlaiment of Great Britain shall hereafter make And that the Crown, Scepter and Sword of State, the Records of Parliament and all other Records Rolls and Registers whatsoever both publick and private generall and particular and Warrands thereof Continue to be kepted as they are within that part of the United Kingdom now called Scotland and that they shall so remain in all time coming notwithstanding of the Union.

¹ <https://judiciary.scot/home/media-information/media-hub-news/2023/10/26/lady-angiolini-becomes-first-woman-to-be-sworn-in-as-lord-clerk-register>

ANNEX 1 – THE HISTORY OF SIGNETING...*continued*

The range of seals named in 1706 were: the Great Seal of Scotland; the privy seal; the signet seal; the casket² signet of the Justiciary Court; the quarter seals; and the seals of court. Each of those seals, and the arrangements made for the Keepers of each seal, were subject to any subsequent regulations made³ by the Parliament of Great Britain, with the use of some seals was recorded within registers held by the Registers of Scotland.

The options available (when applying a signet seal to a document)

The law requires the summons to “pass the signet” without prescribing how that could or should take place. As a result there has been a range of options that have evolved over time to give effect to that legal requirement:

| <i>Type of seal</i> | <i>Options used</i> |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| double sided | Using wax inserted into a 2 part mould with a string or ribbon running through it to provide a waxed impression of the signet seal, which can then be physically attached to the relevant document. |
| single sided | Using a signet ring or hand held seal to manually emboss an impression of the signet seal into wax melted onto a paper document. |
| | Using a manual hand press to manually emboss an impression of the signet seal into a paper document. |
| | Adding a written docquet onto a paper document as confirmation by officials that it had passed the signet. |
| | Inserting a written docquet into an electronically transmitted document as confirmation by officials that it has passed the signet’. |
| | Inserting a digital watermark into an electronic document that is logically associated with the relevant summons. |

The delegated responsibility (for the day to day use of the signet seal)

Originally the practicalities in applying the signet seal to a summons had sat with writers from the ‘Society of Writers to his Majesty’s Signet’ (the WS Society).

On 3 May 1976 the then Lord Clerk Register⁴ issued a commission to the Principal Clerk of Session to reaffirm that the delegated responsibility for signeting documents had been previously transferred from the WS Society. That commission in turn supports the delegation of signeting to officials who undertake the following tasks:

² casket

³ There does not appear to have been any subsequent regulations made

⁴ Refer note 13.5.1 in Greens annotated notes on the Rules of the Court of Session.

ANNEX 1 – THE HISTORY OF SIGNETING...*continued*

For the signeting of a paper document

- Maintain a hand press containing the signet seal of the sovereign; and
- Use that hand press to physically emboss an imprint of the signet seal onto each summons presented for authorisation in the Court of Session.

For the signeting of an electronic document

- Open the electronic document lodged with the court in PDF Format; and
- Insert a docquet into the top right of the first page of that user generated PDF reading as “*Certified signeted on DD MM YY by official X*”.

The pandemic response

On 23 March 2020 lockdown was commenced. Overnight the manual handling of paper documents was ceased due to the high potential for disease transmission, and the unacceptable health and safety risks that entailed. As manual handling was no longer an option the hand press used for signeting was put into storage. The court quickly shifted to the ‘electronic transmission’ of documents by email⁵ with a docquet then inserted into each summons to confirm it had been authorised for service.

That shift to the electronic transmission of documents generally was enabled by the emergency legislation; as currently narrated under paragraphs 1 to 3 of schedule 1 of the [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#). Sentence 3 (1) (d) that 2022 Act referenced the term “or signeting” in the context of defining the types of documents covered rather than the method of signeting used. That drafting choice acknowledged that adding a docquet was already a well-established procedure with paper based documents, making it unnecessary to cover the equivalent task of inserting that docquet into an electronically transmitted document. Hence the implementation of this proposal does not require a change to that 2022 Act.

The future of Signeting

Emailing a summons in PDF format has provided a basic level of functionality for the electronic transmission of documents; with some cyber security risks attached. Over the longer term the courts will transition to more complex digital solutions to secure the delivery of civil business as a fully “end to end digital service”. The adoption of this proposed change (the signeted court order) will mitigate the current risks inherent in requiring officials to insert a docquet into a user generated document.

⁵ The SCTS provides additional methods such as using Objective Connect or Civil Online; but at the time of writing the electronic transmission of initiating documents is excluded.

ANNEX 2 – THE LAW ON SIGNETING

The following illustrative list has been compiled as a check on whether any consequential amendments to primary legislation might be required:

The [Union with England Act 1707](#) references the “great seals” kept in Scotland:

- The wording of Article XXIV is relevant;
- Searches of legislation.gov.uk for both “signet” and “seals” imply that no subsequent regulations have been made under the 1707 Act; and
- No consequential amendments would be required under the 1707 Act.

The [Public Offices \(Scotland\) Act 1817](#) references the role of the keeper of the signet:

- *Section 5* - confirms the duties of the keeper of the signet are to be discharged by the Lord Clerk Register or their office;
- *Section 6* – provided the early authority for charging fees when documents passed the signet in Scotland; and
- No consequential amendments would be required under the 1817 Act.

Section 18 of the [Court of Session Act 1868](#) covers warrants for inhibition, with reference made to “passing the signet”. A consequential amendment is not essential:

Section 18 Warrant of inhibitions may be inserted in will of summons. Publication of such warrants and letters of inhibition.

It shall be competent to insert **in the will of a summons passing the signet** a warrant of inhibition, which shall have all the like force and effect as letters of inhibition in the form in use at the passing of this Act; and such warrant shall be, as nearly as may be, in the following form: “And also that ye lawfully inhibit the said , personally or at his dwelling place, if within Scotland, and if furth thereof, at the office of the Keeper of the Record of Edictal Citations at Edinburgh, from selling, burdening, disposing, alienating, or otherwise affecting his lands or heritages, to the prejudice of the pursuer; and that ye cause register this summons and execution hereof in the general register of inhibitions at Edinburgh, for publication to our lieges”: **When warrant of inhibition is contained in the will of a summons passing the signet**, such warrant may be executed either at the same time as the summons is served or at any time thereafter, and it shall not be necessary to publish such warrants, or **to intimate letters of inhibition passing the signet**, to the lieges in any other way than by registration in the general register of inhibitions; and in registering it shall be sufficient to register the summons, including the warrant of inhibition, and the execution of such warrant, without registering any condescendence or note of pleas in law which may follow the summons, or where letters of inhibition are used, then such letters, with the execution thereof, shall be registered; and from and after registration as aforesaid, the inhibition, whether contained in a summons or by separate letters of inhibition, shall be held to be duly intimated and published to all concerned.

Section 3 of the [Lord Clerk Register \(Scotland\) Act 1879](#) confirms the Lord Clerk Register as the Keeper of the Signet, whose duties include the right to appoint staff:

- No consequential amendments would be required to the 1879 Act.

ANNEX 2 – THE LAW ON SIGNETING...continued

Section 14 of the [Court of Session Act 1868](#) references the period of notice allowed to a person served with a legal process to enter proceedings, A consequential amendment is not essential:

- *Section 14 - Induciæ of summonses and other writs **passing the signet shortened.***
All summonses before the Court of Session may proceed on seven days warning or induciæ where the defender is within Scotland, unless in Orkney and Shetland or in any other island of Scotland, and fourteen days where he is in Orkney or Shetland or such other island, or furth of Scotland, in place of the longer induciæ required by the present practice, and such shorter induciæ shall also be competent and sufficient in respect to **all other letters passing Her Majesty's signet** bearing a citation, charge, publication, or service against persons within or furth of Scotland respectively, and in respect to all edictal charges upon decrees and registered protests: Provided always, that in all cases where any shorter induciæ than the induciæ above mentioned are at present sufficient, such shorter induciæ shall continue to be sufficient after the passing of this Act.

(2) Nothing in this section shall apply to a charge for payment.

The [Titles to Land Consolidation \(Scotland\) Act 1868](#) makes reference to documents passing the signet at:

- *Section 159 and 159A* – require a summons to have passed the signet before it is competent (for the Registers of Scotland) to register a notice of reduction in the register of inhibitions or the register of adjudications; and
- A consequential amendment is not essential.

The [Scotland Act 1998](#) only makes reference to the Scottish Seal:

- *Section 2 (6)* - confirms the Scottish Seal as the seal appointed by the Treaty of Union to be kept and used in place of the Great Seal of Scotland;
- *Section 45 (7)* - confirms the First Minister as Keeper of the Scottish Seal, although in practice the Scottish Seal is held and used by the Registers of Scotland (as the deputy keepers); and
- As no references are made to the seals used by the courts, no consequential amendments would arise under the 1998 Act.

The [Court of Session etc. Fees Order 2024](#) does make reference to signeting in the fee narratives at items A, B1, and B3 of each schedule. A consequential amendment should be made to those fee narratives in due course.

Note – in line with question 3; the Council would welcome feedback on any other Historical Acts that reference signeting and should be included on this list.

ANNEX 3 – THE RULES ON SIGNETING

If this proposal is agreed; amendments will be made to the following rules:

RCS CHAPTER 13 - SUMMONSES, NOTICE, WARRANT'S & CALLING:

- *Rule 13.5 (Signeting)* – to revise the procedure for case registration; and
- *Rule 13.6 (Authority for service and intimation)* - to revise the procedure:
 - FROM - using a docquet inserted within a summons;
 - TO - using a signeted court order that is logically attached to the summons it relates to.

A reference to “passing the signet” has been included in several other rules. The following list has been compiled as a check on those that may require amendment:

- RCS: CHAPTER 4 – THE PROCESS
 - Rule 4 (2) (2) - worded “...*passing the signet*”; and
 - Rule 4.3 (a) - worded “*for signeting*”.
- RCS: CHAPTER 13 – SUMMONSES, NOTICE, WARRANTS & CALLING
 - Rule 13 (4)(3) - worded “...*after signeting of the summons but*”;
 - Rule 13 (7) (1) - worded “...*which has passed the signet*”;
 - Rule 13 (7) (2) - worded “...*after the day of signeting*”; and
 - Rule 13 (8) - worded “*after signeting*” in the title of that rule, and worded “...*when the summons is signeted*” within the rule itself.
- RCS: CHAPTER 43: ACTIONS OF DAMAGES FOR, OR ARISING FROM, PERSONAL INJURIES
 - Rule 43.1A (2) - worded “*for signeting*”;
 - Rule 43.1A (3) - worded “*for signeting*”;
 - Rule 43.3 (1) - worded “...*which has passed the signet*”;
 - Rule 43.3 (2) – worded “*of signeting*”;
 - Rule 43.4 (2) - worded “*Upon signet*”; and
 - Rule 43.17 – reword the reference made to rule 13.8 (1).
- RCS: CHAPTER 49 - FAMILY ACTIONS
 - Rule 49.8 (1) (g) (ii) - worded “...*for signeting*”;
 - Rule 49.8 (4) (c) - worded “...*for signeting.*” twice;
 - Rule 49.8A (1) (b) - worded “...*for signeting*”;
 - Rule 49.8A (2) (a) - worded “...*for signeting*”;
 - Rule 49.9 (1) - worded “...*for signeting*”;
 - Rule 49.11 – reword to unlink from the act of signeting; and
 - Rule 49.15 (3) - worded “...*for signeting*”.
- RCS: CHAPTER 52 - ACTIONS OF PROVING THE TENOR
 - Rule 52.2 - worded “...*for signeting*”.

ANNEX 3 – THE RULES ON SIGNETING...continued

- RCS: CHAPTER 55 - CAUSES RELATING TO INTELLECTUAL PROPERTY
 - Rule 55.2A (a) - worded “...for signeting”; and
 - Rule 55.18 (1) - reword to unlink the rule from the act of signeting.
- RCS: CHAPTER 59 - APPLICATIONS FOR LETTERS
 - Rule 59.1 (3) - reword to unlink it from the act of signeting.
- RCS: CHAPTER 88 – CIVIL MATTERS INVOLVING PARENTAL RESPONSIBILITIES UNDER THE COUNCIL REGULATION
 - Rule 88.5 (2) - reword to unlink it from the act of signeting.

Forms (13.2A, 13.2AA and 13.7)

Section 10 of the [Interpretation Act 1978](#) has meant there was no immediate need to update Forms following the death of a sovereign. This proposal now provides the opportunity for all relevant forms to be updated to reflect the ascension of King Charles III to the throne. That requires the rewording 3 forms:

- The first line of the preamble on Form 13.2AA reads:
“Elizabeth II, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith, to [C.D].”
- The first line of the preamble on Form 13.2A which reads:
“Elizabeth II, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith, to [C.D].”
- The title of Form 13.7 reads “IN HER MAJESTYS NAME AND AUTHORITY”.

ANNEX 4 – THE ORDER MADE IN THE SHERIFF COURT

The comparable rule

The procedure for a sheriff court to ‘authorise service’ under the Ordinary Cause Rules (OCR) reads:

Rule 3.3- Warrants of citation

- (1) *The warrant of citation in any cause other than*
- (a) *a family action within the meaning of rule 33.1(1),*
 - (b) *an action of Multiplepoinding,*
 - (c) *an action in which a time to pay direction under the Debtors (Scotland) Act 1987 or a time order under the Consumer Credit Act 1974 may be applied for by the defender,*
 - (e) *a civil partnership action within the meaning of rule 33A.1(1).*
- shall be in Form O1.*
- (2) *In a cause in which a time to pay direction under the Debtors (Scotland) Act 1987 or a time order under the Consumer Credit Act 1974 may be applied for the defender, the warrant of citation shall be in Form O2.*
- (3) *In a cause in which a warrant of citation in accordance with Form O2 is appropriate, there shall be served on the defender (with the initial writ and warrant) a notice in Form O3.*
-

The content of that order:

The prescribed content for a court order made under rule 3.3 (1) is:

Form O1 Form of warrant of citation

Rule 3.3(1) *(Insert place and date)*

Grants warrant to cite the defender (insert name and address) by serving upon him [or her] a copy of the writ and warrant on a period of notice of (insert period of notice) days, and ordains him [or her], if he [or she] intends to defend the action or make any claim, to lodge a notice of intention to defend with the sheriff clerk at (insert place of sheriff court) within the said period of notice after such service [and grants warrant to arrest on the dependence]. [Meantime grants interim interdict; or grants warrant to arrest to found jurisdiction; or sequestrates and grants warrant to inventory; or otherwise, as the case may be.]

Signed Sheriff [or sheriff clerk]

Note – there would be no consequential amendments required to OCR rule 3.3 or Form O1 as they already meet the purpose of this proposal (harmonisation)