



**Scottish  
Civil Justice  
Council**

## **CONSULTATION ANALYSIS: on modernising the signet.**

**Issued: 30 May 2025**

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## SECTION 1 - INTRODUCTION

### Purpose

1. To provide an analysis of the feedback received on modernising the signet.

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### Timing

2. The consultation period opened 4 December 2024 for 12 weeks to 26 February 2025, then extended by 12 weeks to a revised closing date of 21 May 2025.

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### Why was this consultation undertaken?

3. This consultation was undertaken so that the public had the opportunity to participate in the policy decision on whether to modernise the way a summons “passes the signet”. At present that legal requirement is achieved by court officials inserting a docquet within the summons itself, and pre-Covid by using a hand press to physically emboss an imprint of the signet seal onto that summons.
4. Both methods provide an implicit communication that relies on recipients understanding what those symbols are legally intended to mean. The changes proposed within the consultation paper would see that approval for service explicitly stated within the wording of a court order by:
  - Introducing a new form (an “Order for Service”) to explicitly communicate that the Court of Session has granted its ‘authority to serve’ a summons;
  - Inserting a ‘digital watermark’ within that new court order to have the same effect as the docquet that is currently inserted into the summons by officials to indicate a summons that had ‘passed the signet’; and
  - Updating all forms signed in the name of the sovereign so that they now make reference King Charles III.
5. There were a total of 3 responses received:

NUMBER OF RESPONSES				
CATEGORY	RESPONDENT	Organisations	Individuals	COMBINED TOTAL
Practitioners	Law Society of Scotland	1	0	1
Officials	Society of Writers to His Majesty’s Signet	1	0	1
	Registers of Scotland	1	0	1
	TOTALS	3	0	3

6. In line with the permissions given by each respondent; those 3 responses can all be viewed online via the consultation pages on the Councils website’.

<https://www.scottishciviljusticecouncil.gov.uk/consultations/scjc-consultations/consultation-responses-on-using-online-intimation-to-replace-the-walls-of-court>

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## SECTION 2 – RESPONSES TO THE CONSULTATION QUESTIONS

7. The Rules Rewrite Committee had sought feedback on 3 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?***

8. All 3 respondents support the option of inserting a digital watermark within these electronic documents when issued by the court, and agree that is a more appropriate method of communicating that a summons has “passed the signet”.
9. Given the impact that adding this option has on the long standing legal tradition of the court issuing signetted documents for that purpose, one respondent did suggest asking the Keeper of the Signet (*Lady Elish Angiolini*) to grant a renewed commission to the Principal Clerk of Session. That would provide a tangible way to further acknowledge this change as part of the permanent public record.

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***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?***

- 10.2 of the 3 respondents fully supported the introduction of an Order for Service as:

*“...the measures appear sensible”.*

11. The view offered by 1 respondent can be paraphrased as ‘if it isn’t broke don’t fix it’. They would have preferred more information on why there is a need for this change as they were:

*“...not aware of any difficulty with the present rules in accordance with which signet is authority for service”; and they were*

*“...of the view that adding an additional step may be unnecessary...”*

12. The reasons “why” this change should proceed had been narrated under the desired “benefits” section within the consultation paper:

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

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- *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.*

13. With the benefit of hindsight, narrating those steps regarding the digitisation of the courts as a core problem earlier within the consultation paper would have better met the information needs of that respondent.

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### **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?**

14. None of the 3 respondents were aware of any additional legislation that should be added to those listed in the consultation paper. In reinforcing what's narrated within the consultation paper 1 respondent did express the view that:

*“...signeting to authenticate, and approve for service, a Court of Session summons is required by law based on custom and usage. This is consistent with references to the signet and signeting in, variously, the Act of Union, statute, and rules of court. Historically, the jurisdictional authority of the courts in Scotland is derived from the sovereign's prerogative power. **By long custom, signeting (by physical seal or other recognised method) is essential to confer and evidence the court's authority, derived from the sovereign as head of state.**”*

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## **SECTION 3 – CONCLUSIONS**

15. The conclusions of this paper are that the option of using a digital watermark within a signetted court order should be implemented as:

- It provides a method that more explicitly communicate to the parties that the Court of Session has formally granted its authority for the pursuer to serve their summons on a defender; and
- It will deliver one of the prerequisite changes needed to support the further digitisation of the courts as it moves on from the current electronic transmission of PDF documents to more complex digital solutions.

### **Instructing the preparation of Draft Rules:**

16. To progress this change an Act of Sederunt should be prepared for consideration by the Rules Rewrite Committee that addresses the following rule changes:

- *RCS rule 13.5 (Signeting)* – should be reworded to provide an updated procedure for case registration. The wording used should address how court officials will accept a summons as suitable for consideration by the court;

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complete the case registration tasks required to initiate those proceedings on the courts case management system (ICMS); and then make that information available to parties via Civil Online;

- *RCS rule 13.6 (Authority for service and intimation)* – should be reworded to make reference to a new Form 13.6 (Order for Service) that includes a digital watermark as confirmation that a summons has “passed the signet”. That revised wording should confirm the calculation of time as starting from the date of that ‘signed order’ rather than ‘the date of passing the signet’; and it should also address how officials authorise service and then arrange for that order to be signed, sealed and issued;
- *Forms signed in the sovereigns name* – section 10 of the [Interpretation Act 1978](#) ensures these types of forms remain legal without the need for them to be formally updated immediately following the death of a sovereign. To reflect the ascension of King Charles III to the throne this instrument should update the following 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”.

*Consequential amendments* – the drafting lawyer should undertake a reasonableness check on whether (or not) there would be a need to reword any of the references made to the signet in the RCS rules listed in Annex 1.

### Implementation:

17. At the point where those draft rules are available for consideration by the Rules Rewrite Committee, the following action points should be progressed:

- *Court Fees* – the Scottish Government should be asked to ensure the next 3 yearly review of court fees considers the rewording of fee narratives A, B1 and B3 within the Court of Session Fees Order; and
- *Digitisation* - the SCTS should be asked to develop a template document for the new Form 13.6 (Order for Service) within its digital case management system (ICMS) that includes a “tamper proof” digital watermark that reflects the Royal Mints approved design of the signet seal for King Charles III.

- *Updating the Commission Held* – the Keeper of the Signet should be asked to provide an updated commission to the Principal Clerk of Session; as another tangible way of acknowledging for the public record the change being made to this long standing legal tradition;
- *Updating the hand press* - the Principal Clerk should be asked to arrange for a new signet seal to be crafted and installed in the manual signet hand press that reflects the Royal Mints approved design of the signet seal for King Charles III. That press should be kept in working order for ceremonial use, as there will be occasions where an embossed paper document can more permanently establish a court order as part of the public record;

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## SECTION 4 – NEXT STEPS

18. Following the publication of this analysis the next steps will be:

- *Drafting Instructions* – subject to the Rules Rewrite Committee considering the content of this report, the secretariat will issue drafting instructions for the preparation of a draft rules instrument to enact these changes;
- *Rules finalised* – once that instrument has been drafted, those amending rules will be considered by Committee members, tabled with the Council; and then submitted to the Court of Session for approval;
- *Rules published* – subject to those draft rules being approved by both the Council and the Court of Session, an amending Act of Sederunt will be laid with the Scottish Parliament and published via [legislation.gov.uk](https://legislation.gov.uk); and
- *Implementation* – the implementation actions noted above will be scheduled to coincide with the target commencement date within that Act of Sederunt.

**Secretariat to the Scottish Civil Justice Council**  
**May 2025**

## ANNEX 1 – OTHER RULES THAT REFER TO SIGNETING

This annex provides an indicative list of the references that are made to “passing the signet” in other RCS rules, as some may require rewording:

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