

Consultation Response

Modernising the Signet

May 2025



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Civil Justice Committee welcome the opportunity to consider and respond to the Scottish Civil Justice Council Consultation: Modernising the Signet. The Committee has the following comments to put forward for consideration.

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?

The Civil Justice Committee agree that inserting a digital watermark within an electronic document is an appropriate method of communicating that a summons has passed the signet.

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?

The Civil Justice Committee is unclear as to the rationale for the introduction of an “Order for Service” or what an “Order for Service” would say. The Committee is unaware if this is aimed at a particular set of circumstances and if so what those circumstances are. The Committee is not aware with any difficulty with the present rules in accordance with which signet is authority for service (Rule 13.6). The Committee is of the view that adding an additional step may be unnecessary and if this new step is created then it would also have to include authority to intimate to connected persons etc. (Rule 13.6(b)).

For further information, please contact:

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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?

The Civil Justice Committee is not aware of any other laws that should be on the list at Annex 2.

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