

Providing your response

If you have chosen to provide a separate written response, then please complete the first page of this Respondent Information Form and attach it to your response.

If you wish to include your responses within this Respondent Information Form, please insert your responses to each consultation question in the (expandable) boxes below:

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?

Yes, we agree.

We suggest that the method of signeting by a digital watermark could be reinforced by the Keeper of the Signet granting a renewed commission to the Principal Clerk of Session which would acknowledge the digital format as an approved method.

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?

Yes, we agree.

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?

No, but we are of the opinion, as the Consultation Paper acknowledges, 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.