

PROTOCOLS FOR COMPLETION AND DIGITAL SUBMISSION

COMMERCIAL PROTOCOL 4A

Delivery of pdf copies of wet-signed documents:
Multiple submission by one party – Purchaser's solicitor submits all documents



Seller's solicitor: []

Purchaser's solicitor: []

Lender's solicitor: []

Property: []

Protocol assumptions

- (A) All documents must be wet-signed by the granter in accordance with sections 1A, 2, 3 and 7 of the Requirements of Writing (Scotland) Act 1995, so that each document is self-proving. Each party to the Protocol must ensure their client has been advised of the requirement to wet-sign the document. The signatory to the document must print the entire document before signing.
- (B) By agreeing to use the Protocol, each solicitor agrees it is bound to comply with all requirements within the Protocol.
- (C) All arrangements regarding drawdown of funds and payment of the purchase price, and other usual conveyancing arrangements such as searches and reports are in place in the usual way.
- (D) All references to delivery include arrangements to send a document to the relevant party in advance of completion, to be held as undelivered, until the parties agree that the document is delivered.
- (E) All parties to the Protocol acknowledge that they owe a duty of care to the Keeper in accordance with section 111 of the Land Registration etc. (Scotland) Act 2012.
- (F) The Protocol is based on the assumption that all parties to the Protocol are in a position to print, sign, scan, post or courier, and receive documents where required. Any inability to do any of these things should be intimated at an early stage of the transaction (or, where individual circumstances change, as soon as possible) and appropriate adjustment to the Protocol should be agreed.
- (G) The party in possession of a wet-signed hard copy document will, before making a pdf of the document for delivery, complete the testing clause on the document, or complete the signing docquet with full details of date and place of signing, and signatory and witness designations.

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- (H) The originals of wet-signed hard copy documents must be preserved in the possession of one or more of the solicitors to the transaction until registration is completed. If the Keeper requisitions the hard copy of any document that has been submitted for registration, the solicitor holding the hard copy document will send it to the Keeper under whatever arrangements the Keeper puts in place, and within such timescales as the Keeper requires for receipt of the hard copy document, and notify the other parties to the Protocol that they have done so.

- (I) "**Digital Submission System**" means the system for online submission of applications to register documents in the Land Register of Scotland under the provisions of section 21 of the Land Registration etc. (Scotland) Act 2012, and where online submission directly into that system is not practicable, includes the alternative arrangements for submission, available by contacting Customer Services at Registers of Scotland (RoS).

Commercial Protocol 4A

1. Agree among all solicitors to the transaction that **PSG Commercial Completion and Digital Submission Protocol 4A** is to be followed. This should be agreed (by exchange of emails) in good time prior to completion.

Pre-completion

2. In good time prior to completion, each solicitor who is to deliver a pdf of a document ensures that:
 - (a) they have (or another qualified solicitor within their firm has) seen the original of the wet-signed hard copy of the document and have (or has) personally verified that it has been validly signed by the granter in a self-proving manner; and
 - (b) the pdf of the document is of a sufficiently good quality to be acceptable to RoS for digital submission.

Completion

3. At completion, the Seller's solicitor emails a pdf of the signed Discharge¹ to the Purchaser's solicitor or confirms that a pdf of the signed Discharge being held as undelivered by the Purchaser's solicitor is now delivered and provides the Purchaser's solicitor with the unique alpha number from the completed application form for the Discharge.
4. At completion, the Seller's solicitor emails a pdf of the signed Disposition to the Purchaser's solicitor (in exchange for payment of the price) or confirms that a pdf of the signed Disposition being held as undelivered by the Purchaser's solicitor is now delivered.
5. When sending the pdf of the signed Disposition to the Purchaser's solicitor, the Seller's solicitor will include confirmation from a partner in the firm of the Seller's solicitor that they have, or a qualified solicitor in that firm has, examined the original of the attached Disposition; that it is in the possession, or control of the Seller's solicitor; and that the Disposition bears to have been validly signed by a wet ink signature of [details of the granter/signatories][and of the witness].
6. At completion, the Purchaser's solicitor emails a pdf of the signed Standard Security to the Lender's solicitor (in exchange for release of loan funds).
7. At completion, the Lender's solicitor provides the Purchaser's solicitor with the unique alpha number from the completed application form for the Standard Security.

Post completion

8. The Purchaser's solicitor will submit pdfs of the Discharge, the Disposition and the Standard Security to the Digital Submission System, and will email a copy of the submission receipt² from RoS for the Discharge, the Disposition and the Standard Security to the Seller's solicitor and the Lender's solicitor.
9. The Seller's solicitor will preserve and retain the originals of the Discharge and the Disposition (in case RoS needs to requisition the original) until registration is completed.
10. The Purchaser's solicitor will preserve and retain the original of the Standard Security (in case RoS needs to requisition the original) until registration is completed.

¹ If the security is only being partially discharged, references in this Protocol to Discharge apply to a Deed of Restriction.

² This assumes that all documents have been submitted to the Digital Submission System in the same submission.