



# Land Registration etc. (Scotland) Act 2012

## 2012 asp 5

### PART 11

#### MISCELLANEOUS AND GENERAL

##### *Duty to take reasonable care*

#### **111 Duties of certain persons**

- (1) A person mentioned in subsection (2) must take reasonable care to ensure that the Keeper does not inadvertently make the register inaccurate as a result of a change made in consequence of the grant mentioned in that subsection.
- (2) The persons are—
  - (a) a person granting a deed intended to be registered,
  - (b) a person who, in connection with the grant, acts as a solicitor or other legal adviser to the granter.
- (3) A person mentioned in subsection (4) must take reasonable care to ensure that the Keeper does not inadvertently make the register inaccurate as a result of a change made in consequence of the application mentioned in that subsection.
- (4) The persons are—
  - (a) a person making an application for registration,
  - (b) a person who, in connection with the application, acts as a solicitor or other legal adviser to the applicant.
- (5) The Keeper is entitled to be compensated by a person in breach of the duty under subsection (1) or (3) for any loss suffered as a consequence of that breach.
- (6) But a person has no liability under subsection (5) in so far as—
  - (a) the Keeper's loss could have been avoided by the Keeper taking certain measures which it would have been reasonable for the Keeper to take, or
  - (b) the Keeper's loss is too remote.

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**Changes to legislation:** Land Registration etc. (Scotland) Act 2012, Section 111 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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#### Commencement Information

**II** [S. 111](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A48B and cross-heading inserted by [2016 asp 18 s. 43\(2\)](#)
- s. 116(3)(ba)(bb) inserted by [2016 asp 18 s. 43\(3\)](#)