Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 9

RIGHTS OF PERSONS ACQUIRING ETC. IN GOOD FAITH

Compensation in consequence of this Part

95 Quantification of compensation

(1) Compensation payable by virtue of section 94(1)—

(a) is, in so far as it is not compensation mentioned in paragraph (b), to be quantified as at the date on which the claimant lost the right or, as the case may be, on which the servitude was created, and

(b) is to include—

(i) reimbursement of reasonable extra-judicial legal expenses, and

(ii) compensation for any other consequential loss.

(2) Interest on a sum so payable runs from the date mentioned in subsection (3) until the sum in question is paid.

(3) The date is—

(a) where the sum is payable other than by virtue of subsection (1)(b), the date mentioned in subsection (1)(a),

(b) where the sum is payable by virtue of subsection (1)(b)(i), the date on which the claimant paid the sum in question, and

(c) where the sum is payable by virtue of subsection (1)(b)(ii), the date on which the loss was sustained.

(4) The Scottish Ministers may by regulations make provision as to the rate of interest payable by virtue of subsection (2).