

# **LAND REGISTRATION ETC. (SCOTLAND) ACT 2012**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 7: Keeper's Warranty**

##### **Keeper's warranty**

##### ***Section 73: Keeper's warranty***

180. This section continues the scheme of the state guarantee of title by Keeper's warranty.
181. Subsection (1) provides for the default position, that when an application is accepted, the Keeper's warranty applies to the title sheet to which the application relates. Subsection (2) lists the things that the Keeper's default warranty does not ordinarily cover. Subsection (2)(d) recognises that even though a pertinent is registered, if by law it is not capable of being a pertinent, the act of registration does not make it so, accordingly it is not covered by the warranty. Subsection (2)(h) ensures that the warranty does not cover the case where by administrative error on the Keeper's part, the terms of the registration are more favourable to the applicant than justified by the deed inducing registration or by what is sought to be registered in an application for voluntary registration. Subsection (2)(i) means the warranty does not cover the case where a title boundary is tied to a water boundary that has shifted.
182. The effect of subsection (3) is that where a person is given warranty in respect of an application, their successors in title can receive the benefit of that warranty.
183. Subsection (5) ensures there is no warranty in relation to an entry in favour of a prescriptive claimant under section 43.