Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 5

INACCURACIES IN THE REGISTER

65   Meaning of "inaccuracy"

(1) A title sheet is inaccurate in so far as it—
   (a)   misstates what the position is in law or in fact,
   (b)   omits anything required, by or under an enactment, to be included in it, or
   (c)   includes anything the inclusion of which is not expressly or impliedly permitted by or under an enactment.

(2) The cadastral map is inaccurate in so far as it—
   (a)   wrongly depicts or shows what the position is in law or in fact,
   (b)   omits anything required, by or under an enactment, to be depicted or shown on it, or
   (c)   depicts or shows anything the depiction or showing of which is not expressly or impliedly permitted by or under an enactment.

(3) The cadastral map is not inaccurate in so far as it does not depict something correctly by reason only of an inexactness in the base map which is within the published accuracy tolerances relevant to the scale of map involved.

(4) Neither a title sheet nor the cadastral map is inaccurate by reason only that a deed which gave rise to the acquisition, variation or discharge of a real right—
   (a)   was voidable and has been reduced, or
   (b)   has been rectified under section 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73) (rectification of defectively expressed documents).

(5) This section is subject to section 66(3).

66   Shifting boundaries

(1) This section applies where the proprietors of adjacent plots of land affected by alluvion agree that their common boundary (or part of it) is not to be so affected.

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(2) Such an agreement may, on the joint application of both proprietors, be registered in the title sheets of both plots of land.

(3) Where such an agreement is registered, the cadastral map and the title sheets of the plots do not become inaccurate as a result of alluvion affecting the boundary (or part of it) occurring after registration.