



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 8

RECTIFICATION OF THE REGISTER

Compensation in consequence of rectification

84 Rectification: compensation for certain expenses and losses

- (1) The Keeper must pay compensation for—
 - (a) reimbursement of reasonable extra-judicial legal expenses incurred by a person in securing rectification of the register, and
 - (b) any loss sustained by the person in consequence of the inaccuracy rectified.
- (2) A claimant is not required to exhaust other remedies before making a claim to such compensation.
- (3) Payment by the Keeper under this section does not extinguish any rights which the claimant may have against another person in respect of the loss compensated.
- (4) But it is a condition of any such payment that the claimant assigns any such rights to the Keeper.
- (5) Interest on a sum payable under this section runs from the date mentioned in subsection (6) until the sum in question is paid.
- (6) The date is—
 - (a) where the sum is payable by virtue of subsection (1)(a), the date on which the claimant paid the sum in question,
 - (b) where the sum is payable by virtue of subsection (1)(b), the date on which the loss was sustained.
- (7) The Scottish Ministers may by regulations make provision as to the rate of interest payable by virtue of subsection (5).

Changes to legislation: Land Registration etc. (Scotland) Act 2012, Cross Heading: Compensation in consequence of rectification is up to date with all changes known to be in force on or before 22 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

Commencement Information

I1 S. 84 in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

85 Rectification: circumstances where liability excluded

The Keeper has no liability to pay compensation under section 84—

- (a) if the inaccuracy is caused other than by a change made by the Keeper to a title sheet or the cadastral map,
- (b) if the inaccuracy is consequent on an error in the cadastral map and that error was made in reasonable reliance on the base map,
- (c) in so far as the inaccuracy is in an entry made on an application being accepted by virtue of section 43(1) or under section 43(5),
- (d) in so far as the inaccuracy is caused by some act or omission on the part of the claimant,
- (e) in so far as the claimant's loss could have been avoided by the claimant taking certain measures which it would have been reasonable for the claimant to take,
- (f) in so far as the connection between the claimant's loss and the inaccuracy is too remote, or
- (g) for non-patrimonial loss.

Commencement Information

I2 S. 85 in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

Changes to legislation:

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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\(3\)](#)