



# 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*

#### **94 Compensation for loss incurred in consequence of this Part**

- (1) The Keeper must pay compensation for loss incurred by a person mentioned in subsection (2).
- (2) The person is one who—
  - (a) is deprived of a right by virtue of this Part, or
  - (b) is the proprietor of a property burdened by a servitude created by virtue of section 90.
- (3) A claimant is not required to exhaust other remedies before making a claim to such compensation.
- (4) 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.
- (5) But it is a condition of any such payment that the claimant assigns any such rights to the Keeper.
- (6) The Keeper has no liability to pay compensation—
  - (a) 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,
  - (b) in so far as the claimant's loss is too remote, or
  - (c) for non-patrimonial loss.

#### **95 Quantification of compensation**

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

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*Status: This is the original version (as it was originally enacted).*

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- (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).