

Changes to legislation: Land Registration etc. (Scotland) Act 2012, Cross Heading: Bijural inaccuracies is up to date with all changes known to be in force on or before 13 January 2021. 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

SCHEDULE 4 TRANSITIONAL PROVISIONS

[^{F1}Bijural inaccuracies

Textual Amendments

F1 Sch. 4 paras. 11A, 11B inserted (8.12.2014) by [The Land Registration etc. \(Scotland\) Act 2012 \(Incidental, Consequential and Transitional\) Order 2014 \(S.S.I. 2014/190\)](#), arts. 1(2), 6

- 17 If there is in the register, immediately before the designated day, an inaccuracy which the Keeper has power to rectify under section 9 of the 1979 Act (rectification of the register) then, as from that day—
- (a) any person whose rights in land would have been affected by such rectification has such rights (if any) in the land as that person would have if the power had been exercised, and
 - (b) the register is inaccurate in so far as it does not show those rights as so affected.

Commencement Information

I1 Sch. 4 para. 17 in force at 8.12.2014 by [S.S.I. 2014/127](#), art. 2

- 18 For the purpose of determining whether the Keeper has the power mentioned in paragraphs 17 and 22, the person registered as proprietor of the land is to be presumed to be in possession unless the contrary is shown.

Commencement Information

I2 Sch. 4 para. 18 in force at 8.12.2014 by [S.S.I. 2014/127](#), art. 2

- 19 Where, by virtue of paragraph 17—
- (a) a right is lost, compensation is payable under Part 7 as if warranty had been granted under section 73 in accepting an application by the person in whom the right was vested, or
 - (b) an encumbrance is revived, compensation is so payable as if such warranty had been granted in respect of an omission of the encumbrance.

Commencement Information

I3 Sch. 4 para. 19 in force at 8.12.2014 by [S.S.I. 2014/127](#), art. 2

- 20 Except that—
- (a) compensation is not so payable in so far as, had the Keeper rectified the inaccuracy before the designated day, either a right to indemnity under section 12 of the 1979 Act (indemnity in respect of loss) was excluded by virtue of subsection (2) of that section or there would, by virtue of subsection (3) of that section, have been no entitlement to such indemnity,
 - (b) any compensation so payable is to be reduced to the extent that, had the Keeper rectified the inaccuracy before the designated day, the amount of any

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indemnity would have been reduced by virtue of section 13(4) of that Act (reduction proportionate to the extent to which a claimant has contributed, by fraudulent or careless act or omission, to loss), and

- (c) in construing Part 7 for the purposes of paragraph 19, paragraphs (b) and (c) of section 78 are to be disregarded.

Commencement Information

I4 Sch. 4 para. 20 in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

- 21 Section 77(4) and (5) applies in relation to a payment made by virtue of paragraph 19(a) as that section applies in relation to any other payment under Part 7.

Commencement Information

I5 Sch. 4 para. 21 in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

- 22 If there is in the register, immediately before the designated day, an inaccuracy which the Keeper does not have power to rectify under section 9 of the 1979 Act, then on that day it ceases to be an inaccuracy.

Commencement Information

I6 Sch. 4 para. 22 in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

- 23 Where, by virtue of paragraph 22, a person suffers loss which, had it been suffered by virtue of paragraph (b) of section 12(1) of the 1979 Act, would (after allowing for the effect of subsections (2) and (3) of that section) have given rise before the designated day to an entitlement under that section, the person is entitled to claim compensation, by virtue of this paragraph, from the Keeper in respect of that loss.

Commencement Information

I7 Sch. 4 para. 23 in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

- 24 Sections 94(3) to (6) and 95 apply in respect of a claim by virtue of paragraph 23 as they apply in respect of a claim by virtue of section 94(1), but with the modification that, for paragraph (a) of section 95(1), there is substituted—

“(a) is, in so far as it is not compensation mentioned in paragraph (b), to be quantified as at the date on which the register became inaccurate.”.]

Commencement Information

I8 Sch. 4 para. 24 in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

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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\(3\)](#)