



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 6

CAVEATS

67 Warrant to place a caveat

- (1) This section applies to civil proceedings—
 - (a) for the reduction of a registered deed on the ground that it is voidable,
 - (b) which could result in a judicial determination that the register is inaccurate, or
 - (c) for an order which, if granted, would be registrable under section 8A of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73) (registration of order for rectification).
- (2) A party to the proceedings may, at any time while the proceedings are in dependence, apply to the court for warrant to place a caveat on the title sheet of a plot of land to which the proceedings relate.
- (3) The court may, if satisfied as to the matters mentioned in subsection (4), make an order granting the warrant applied for.
- (4) The matters are that—
 - (a) the applicant has a prima facie case on the merits of the proceedings,
 - (b) were warrant for placing the caveat not granted, there is a real and substantial risk that enforcement of any decree or order in the proceedings granted in favour of the applicant would be defeated or prejudiced by reason of the other party being likely to deal with the plot of land, and
 - (c) in all the circumstances, including the effect which granting the warrant may have on any person having an interest, it is reasonable to make the order granting it.
- (5) The onus is on the applicant to satisfy the court that the order granting the warrant should be made.