Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 6 S

CAVEATS

70 Restriction of caveat S

(1) Any person with an interest, other than the applicant, may at any time apply to the court which granted the warrant to place the caveat for an order restricting the caveat.

(2) The court may, if satisfied—

(a) as to the matters mentioned in subsection (3), and

(b) that it is reasonable in all the circumstances to do so,

make an order restricting the caveat.

(3) The matters are that—

(a) the applicant has a prima facie case on the merits of the proceedings,

(b) 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 to place the caveat may have on any person having an interest, it is reasonable for the caveat to continue to have effect.

(4) The onus is on the applicant to satisfy the court that the order restricting the caveat should not be made.

Commencement Information

I1 S. 70 in force at 8.12.2014 by S.S.I. 2014/127, **art. 2**

Changes to legislation:
Land Registration etc. (Scotland) Act 2012, Section 70 is up to date with all changes known to be in force on or before 18 September 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.
View outstanding changes

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)