



# Land Registration etc. (Scotland) Act 2012

## 2012 asp 5

### PART 8

#### RECTIFICATION OF THE REGISTER

##### *Rectification*

#### **81 Rectification where registration provisional etc.**

- (1) This section applies where it appears to the Keeper that rectification of an inaccuracy would interrupt a period of possession—
  - (a) which is current, and
  - (b) which, if uninterrupted, would, under section 1(1) or 2(1) of the Prescription and Limitation (Scotland) Act 1973 (c.52) (sections which provide for positive prescription), affect a real right.
- (2) If the inaccuracy is in an entry marked provisional by virtue of section 44, the Keeper—
  - (a) may rectify the register if all those affected consent,
  - (b) where there is no such consent, must not rectify the register before the existence of the inaccuracy is judicially determined.
- (3) In any other case, the Keeper—
  - (a) must—
    - (i) mark the relevant entry in the title sheet provisional,
    - (ii) enter in the appropriate section of the title sheet the name and designation of the true holder of the right affected by the inaccuracy (if any such person can be identified),
  - (b) may rectify the register if all those affected consent,
  - (c) where there is no such consent, must not rectify the register before the existence of the inaccuracy is judicially determined.

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**Changes to legislation:** Land Registration etc. (Scotland) Act 2012, Section 81 is up to date with all changes known to be in force on or before 19 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](#)

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#### **Commencement Information**

**II** [S. 81](#) 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\(3\)](#)