

Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 9

RIGHTS OF PERSONS ACQUIRING ETC. IN GOOD FAITH

Ownership

86 Acquisition from disponent without valid title

- (1) This section applies where a person (“A”), who is not the proprietor of a registered plot of land but—
 - (a) is entered in the proprietorship section of the title sheet as proprietor, and
 - (b) is in possession of the land,purports to dispose the land.
- (2) The disponee (“B”) acquires ownership of the land provided that the conditions in subsection (3) are met.
- (3) The conditions are that—
 - (a) the land has been in the possession, openly, peaceably and without judicial interruption—
 - (i) of A for a continuous period of at least 1 year, or
 - (ii) of A and then of B for periods which together constitute such a period,
 - (b) at no time during that period did the Keeper become aware that the register was inaccurate as a result of A (or B) not being the proprietor,
 - (c) B is in good faith,
 - (d) the disposition would have conferred ownership on B had A been proprietor when the land was disposed,
 - (e) at no time during the period mentioned in paragraph (a)—
 - (i) was the title sheet subject, by virtue of section 67, to a caveat relevant to the acquisition by B,
 - (ii) did the title sheet contain a statement under section 30(5), and
 - (f) the Keeper warrants (or is to be taken to warrant) A's title.
- (4) The date on which ownership is acquired by virtue of subsection (2) is—

Changes to legislation: Land Registration etc. (Scotland) Act 2012, Section 86 is up to date with all changes known to be in force on or before 07 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](#)

- (a) where subsection (5) applies, the date on which the disposition is registered,
 - (b) where subsection (6) applies, the date on which the period of possession mentioned in that subsection expires.
- (5) This subsection applies where, as at the date of registration, the land has been in the possession, openly, peaceably and without judicial interruption—
- (a) of A for a continuous period of at least 1 year, or
 - (b) of A and then of B for periods which together constitute such a period.
- (6) This subsection applies where there is a continuous period of possession such as is mentioned in subsection (5) but that period, though it commences before registration on the application of B, does not expire until a date later than the date of registration.

Commencement Information

II S. 86 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\(3\)](#)