



Moveable Transactions (Scotland) Act 2023

2023 asp 3

PART 1 **S**

ASSIGNATION

CHAPTER 2 **S**

REGISTER OF ASSIGNATIONS

PROSPECTIVE

Corrections

29 Correction of the assignments record **S**

- (1) Where a court determines in any proceedings that the assignments record is inaccurate, the court—
 - (a) must direct the Keeper to correct the record, and
 - (b) may give the Keeper any further direction it considers necessary in connection with the correction.
- (2) Where the Keeper becomes aware of a manifest inaccuracy in the assignments record, other than as a result of a direction under [subsection \(1\)](#)—
 - (a) the Keeper must correct the record if what is needed to correct it is manifest,
 - (b) otherwise, the Keeper must note the inaccuracy on the entry in question.
- (3) There is an “inaccuracy” in the assignments record where—
 - (a) the information included, by virtue of [section 21\(1\)](#), in an entry in the record is inaccurate or incomplete,
 - (b) an entry in the record—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Moveable Transactions (Scotland) Act 2023, Cross Heading: Corrections. (See end of Document for details)

- (i) does not include a copy of the assignment document as required by [paragraph \(h\)](#) of that section, or
 - (ii) includes such a copy but the document copied is invalid, or
 - (c) an entry has incorrectly been removed from the record.
- (4) A correction of the assignments record may involve—
- (a) the removal of an entry,
 - (b) the removal of information included in an entry,
 - (c) the amendment of, or an addition to, the information, or replacement of a copy document, included in an entry,
 - (d) the restoration of information, or of a copy document, to an entry,
 - (e) the restoration of an entry (whether or not by transferring it from the archive record to the assignments record).
- (5) A correction is taken to be made on the date and at the time entered for it in the register in pursuance of a provision of [this Part](#).

Commencement Information

II S. 29 not in force at Royal Assent, see [s. 121\(2\)](#)

30 Correction of the assignments record: procedure **S**

- (1) Where the Keeper corrects the assignments record by removing an entry from the assignments record, the Keeper must—
- (a) transfer the entry to the archive record,
 - (b) note on the transferred entry—
 - (i) the subsection of [section 29](#) by virtue of which the transfer is made, and
 - (ii) the details of the correction (including the date and time of the removal), and
 - (c) include in the archive record a copy of any document which discloses, or contributes to disclosing, the inaccuracy which is the subject of the correction.
- (2) Where the Keeper corrects the record by restoring an entry, by restoring, removing or amending information included in an entry or by restoring or replacing a copy document, the Keeper must—
- (a) note on the entry that it has been corrected and the details of the correction (including the date and time of the correction),
 - (b) include in the archive record a copy of any document which discloses, or contributes to disclosing, the inaccuracy which is the subject of the correction, and
 - (c) in the case of the replacement of the copy document, transfer the replaced copy to the archive record.
- (3) Having corrected the record, the Keeper must notify the following persons (in so far as it is reasonable and practicable to do so) that the correction has been made—
- (a) every person specified for the purposes of [this subsection](#) by RoA Rules, and
 - (b) any other person who appears to the Keeper to be affected by it materially.

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- (4) A failure to comply with [subsection \(1\)\(c\)](#), [\(2\)\(b\)](#) or [\(3\)](#) does not affect the validity of the correction of the record.

Commencement Information

I2 S. 30 not in force at Royal Assent, see [s. 121\(2\)](#)

31 Proceedings involving the accuracy of the assignations record S

The Keeper is entitled to appear and be heard in any civil proceedings, whether before a court or tribunal, in which—

- (a) the accuracy of the assignations record, or
- (b) what is needed to correct an inaccuracy in the record,

is put in question.

Commencement Information

I3 S. 31 not in force at Royal Assent, see [s. 121\(2\)](#)

32 Power to make provision about applications for corrections S

- (1) The Scottish Ministers may by regulations modify [this Part](#) to make provision for or about applications to the Keeper for the correction of an entry in the assignations record.

- (2) Regulations under [subsection \(1\)](#) may, in particular—

- (a) make provision about—
 - (i) the persons, or descriptions of persons, who are entitled to make an application,
 - (ii) the circumstances in which an application is to be accepted (which may include consideration of whether there has been payment of a fee), and
 - (iii) the steps to be taken where an application is accepted,
- (b) modify the Keeper’s duty to act on becoming aware of a manifest inaccuracy in the assignations record to take account of the application process, and
- (c) allow RoA Rules to make provision about the procedure in relation to applications for corrections.

Commencement Information

I4 S. 32 not in force at Royal Assent, see [s. 121\(2\)](#)

Status:

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Changes to legislation:

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