



Moveable Transactions (Scotland) Act 2023

2023 asp 3

PART 1

ASSIGNATION

CHAPTER 2

REGISTER OF ASSIGNATIONS

Corrections

29 Correction of the assignments record

- (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—
 - (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 assignations 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 assignations 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](#).

30 Correction of the assignations record: procedure

- (1) Where the Keeper corrects the assignations record by removing an entry from the assignations 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.
- (4) A failure to comply with [subsection \(1\)\(c\)](#), [\(2\)\(b\)](#) or [\(3\)](#) does not affect the validity of the correction of the record.

31 Proceedings involving the accuracy of the assignations record

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.

32 Power to make provision about applications for corrections

- (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.