Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 9

RIGHTS OF PERSONS ACQUIRING ETC. IN GOOD FAITH

Compensation in consequence of this Part

94 Compensation for loss incurred in consequence of this Part

(1) The Keeper must pay compensation for loss incurred by a person mentioned in subsection (2).

(2) The person is one who—

(a) is deprived of a right by virtue of this Part, or

(b) is the proprietor of a property burdened by a servitude created by virtue of section 90.

(3) A claimant is not required to exhaust other remedies before making a claim to such compensation.

(4) Payment by the Keeper under this section does not extinguish any rights which the claimant may have against another person in respect of the loss compensated.

(5) But it is a condition of any such payment that the claimant assigns any such rights to the Keeper.

(6) The Keeper has no liability to pay compensation—

(a) in so far as the claimant's loss could have been avoided by the claimant taking certain measures which it would have been reasonable for the claimant to take,

(b) in so far as the claimant's loss is too remote, or

(c) for non-patrimonial loss.

Commencement Information

I1 S. 94 in force at 8.12.2014 by S.S.I. 2014/127, **art. 2**

Changes to legislation:
Land Registration etc. (Scotland) Act 2012, Section 94 is up to date with all changes known to be in force on or before 22 July 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)