



Moveable Transactions (Scotland) Act 2023

2023 asp 3

PART 1

ASSIGNATION

CHAPTER 2

REGISTER OF ASSIGNATIONS

Entitlement to compensation

PROSPECTIVE

38 Liability of certain other persons

- (1) A person (“P”) is entitled to be compensated in the following circumstances—
- (a) where P suffers loss in consequence of an inaccuracy in an entry in the assignments record then, to the extent that it is not attributable to the Keeper, P is entitled to be compensated for that loss by—
 - (i) the person who made the application for registration which gave rise to the inaccurate entry if that person failed to take reasonable care in making it, or
 - (ii) where the inaccurate entry arises from the attempted correction of an apparent inaccuracy, the person who notified the Keeper of the apparent inaccuracy if that person failed to take reasonable care in doing so,
 - (b) where P suffers loss in consequence of an inaccuracy in information supplied in response to a request under [section 36\(1\)](#), P is entitled to be compensated for that loss by the person who supplied the information if that person failed to take reasonable care in supplying it, or

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Moveable Transactions (Scotland) Act 2023, Section 38. (See end of Document for details)

- (c) where P suffers loss in consequence of a failure, without reasonable excuse, to comply with a request in accordance with [section 36\(4\)](#), P is entitled to be compensated for that loss by the person whose failure it was.
- (2) But a person has no liability under [subsection \(1\)](#)—
- (a) in so far as P’s loss could have been avoided had P taken measures which it would have been reasonable for P to take,
 - (b) in so far as P’s loss was not reasonably foreseeable, or
 - (c) for non-patrimonial loss.

Commencement Information

- II** S. 38 not in force at Royal Assent, see [s. 121\(2\)](#)

Status:

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Changes to legislation:

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