



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 7

KEEPER'S WARRANTY

Keeper's warranty

74 Keeper's warranty on registration under sections 25 and 29

- (1) The Keeper, on registering a plot of land by virtue of section 25 or under section 29, warrants to the owner that, as at the time of registration, the title sheet of the plot—
 - (a) is accurate in so far as it shows the owner to be the proprietor or proprietor in common, and
 - (b) is not inaccurate in so far as there is omitted from it any encumbrance the inclusion of which is permitted or required by or under an enactment.
- (2) Subsections (2), (3) and (5) of section 73 apply to warranty under this section as they apply to warranty under that section.
- (3) Subsection (2) of section 73 is subject to the following modifications—
 - (a) for paragraph (h) substitute—
 - “(h) in the case of registration by virtue of section 25, the title sheet is accurate in so far as it shows the owner to be the proprietor or proprietor in common of a plot of land more extensive than the area of land which forms the subjects of the lease, to which the deed relates or, as the case may be, in respect of which the subordinate real right is constituted,
 - (ha) in the case of registration under section 29, the title sheet is accurate in so far as it shows the owner to be the proprietor or proprietor in common of a plot of land more extensive than the plot the Keeper sought to register, or”,
 - (b) references in that subsection to—
 - (i) the application are to be read as references to the registration by virtue of section 25 or under section 29,
 - (ii) to the applicant are to be construed as references to the owner.

Status: Point in time view as at 04/03/2024.

Changes to legislation: Land Registration etc. (Scotland) Act 2012, Section 74 is up to date with all changes known to be in force on or before 25 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. (See end of Document for details)

(4) This section is subject to sections 75 and 76.

Commencement Information

I1 S. 74 in force at 8.12.2014 by [S.S.I. 2014/127](#), **art. 2**

Status:

Point in time view as at 04/03/2024.

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