



Moveable Transactions (Scotland) Act 2023

2023 asp 3

PART 1

ASSIGNATION

CHAPTER 2

REGISTER OF ASSIGNATIONS

Entitlement to compensation

37 Liability of Keeper

- (1) A person is entitled to be compensated by the Keeper for loss suffered in consequence of—
- (a) an inaccuracy in the assignments record to the extent that it is attributable to the making up, maintenance or operation of the register (including an attempted correction of it),
 - (b) the issue, under [section 26\(1\)](#), of a written statement which is incorrect,
 - (c) the service, under [section 30\(3\)](#), of a notification which is incorrect,
 - (d) a search result which—
 - (i) relates to a search of the assignments record carried out by means of a search facility provided by the Keeper,
 - (ii) ought (as a result of the search terms used) to reflect accurately the contents of the assignments record at the time the search was made, and
 - (iii) does not accurately reflect those contents,
 - (e) the issue, under [section 35](#), of an extract which is not a true extract,
 - (f) an application being accepted or rejected in error,

Status: This is the original version (as it was originally enacted).

- (g) an attempt to make an application, which the Keeper would otherwise have accepted, failing as a result of an error in the system the Keeper has for accepting applications, or
 - (h) applications being dealt with otherwise than in the order in which they are received.
- (2) But the Keeper has no liability under [subsection \(1\)](#)—
- (a) in so far as the person’s loss could have been avoided had the person taken measures which it would have been reasonable for the person to take,
 - (b) in so far as the person’s loss was not reasonably foreseeable, or
 - (c) for non-patrimonial loss.
- (3) For the avoidance of doubt, an inaccuracy in information included in an entry in the assignations record when that entry is made up under [section 25\(1\)\(a\)](#) or corrected under [section 29](#) does not fall within [subsection \(1\)\(a\)](#) to the extent that the Keeper—
- (a) has been misled into making the inaccuracy, and
 - (b) reasonably believed the information to be accurate.
- (4) For the purposes of [subsection \(3\)](#), the circumstances where the Keeper is entitled to reasonably believe information to be accurate include those where it is provided—
- (a) in connection with an application to which the entry relates, or
 - (b) by the court.