



# Land Registration etc. (Scotland) Act 2012

## 2012 asp 5

### PART 8

#### RECTIFICATION OF THE REGISTER

##### *Rectification*

#### **80 Rectification of the register**

- (1) This section applies where the Keeper becomes aware of a manifest inaccuracy in a title sheet or in the cadastral map.
- (2) The Keeper must rectify the inaccuracy if what is needed to do so is manifest.
- (3) Where what is so needed is not manifest, the Keeper must enter a note identifying the inaccuracy in the title sheet or, as the case may be, in the cadastral map.
- (4) Where the Keeper rectifies an inaccuracy, the Keeper must—
  - (a) include in the archive record a copy of any document which discloses, or contributes to disclosing, the inaccuracy, and
  - (b) give notice of the rectification to any person who appears to the Keeper to be affected by it materially.
- (5) Land register rules may make provision about—
  - (a) the persons to be notified by the Keeper, and
  - (b) the method by which such notice is to be given.
- (6) A failure to comply with subsection (4) or with any rules so made does not affect the validity of a rectification under subsection (2).

#### **81 Rectification where registration provisional etc.**

- (1) This section applies where it appears to the Keeper that rectification of an inaccuracy would interrupt a period of possession—
  - (a) which is current, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) which, if uninterrupted, would, under section 1(1) or 2(1) of the Prescription and Limitation (Scotland) Act 1973 (c.52) (sections which provide for positive prescription), affect a real right.
- (2) If the inaccuracy is in an entry marked provisional by virtue of section 44, the Keeper—
- (a) may rectify the register if all those affected consent,
  - (b) where there is no such consent, must not rectify the register before the existence of the inaccuracy is judicially determined.
- (3) In any other case, the Keeper—
- (a) must—
    - (i) mark the relevant entry in the title sheet provisional,
    - (ii) enter in the appropriate section of the title sheet the name and designation of the true holder of the right affected by the inaccuracy (if any such person can be identified),
  - (b) may rectify the register if all those affected consent,
  - (c) where there is no such consent, must not rectify the register before the existence of the inaccuracy is judicially determined.