



Land Registration (Scotland) Act 1979

1979 CHAPTER 33

PART I

REGISTRATION OF INTERESTS IN LAND

9 Rectification of the register.

- (1) Subject to subsection (3) below, the Keeper may, whether on being so requested or not, and shall, on being so ordered by the court or the Lands Tribunal for Scotland, rectify any inaccuracy in the register by inserting, amending or cancelling anything therein.
- (2) Subject to subsection (3)(b) below, the powers of the court and of the Lands Tribunal for Scotland to deal with questions of heritable right or title shall include power to make orders for the purposes of subsection (1) above.
- (3) [^{F1}Subject to subsection (3B) below,] if rectification under subsection (1) above would prejudice a proprietor in possession—
 - (a) the Keeper may exercise his power to rectify only where—
 - (i) the purpose of the rectification is to note an overriding interest or to correct any information in the register relating to an overriding interest;
 - (ii) all persons whose interests in land are likely to be affected by the rectification have been informed by the Keeper of his intention to rectify and have consented in writing;
 - (iii) the inaccuracy has been caused wholly or substantially by the fraud or carelessness of the proprietor in possession; or
 - (iv) the rectification relates to a matter in respect of which indemnity has been excluded under section 12(2) of this Act;
 - (b) the court or the Lands Tribunal for Scotland may order the Keeper to rectify only where sub-paragraph (i), (iii) or (iv) of paragraph (a) above applies [^{F2}or the rectification is consequential on the making of an order under section 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985.]

Status: Point in time view as at 28/11/2004. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Land Registration (Scotland) Act 1979, Section 9. (See end of Document for details)

[^{F3}(3A) Where a rectification of an entry in the register is consequential on the making of an order under section 8 of the said Act of 1985, the entry shall have effect as rectified as from the date when the entry was made:

Provided that the court, for the purpose of protecting the interests of a person to whom section 9 of that Act applies, may order that the rectification shall have effect as from such later date as it may specify.]

[^{F4}(3B) Subject to subsection (3C) below, rectification (whether requisite or in exercise of the Keeper’s discretion) to take account of, or of anything done (or purportedly done) under or by virtue of,

[any provision of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp ^{F5}(a)] 5), other than section 4 or 65 [^{F6}; or]

[section 49, 50, 58 or 80 of the Title Conditions (Scotland) Act 2003 (asp 9),] ^{F7}(b)

shall, for the purposes of subsection (3) above (and of section 12(3)(cc) of this Act), be deemed not to prejudice a proprietor in possession.

^{F4}(3C) For the purposes of subsection (3B) above, rectification does not include entering or reinstating in a title sheet a real burden or a condition affecting an interest in land.]

(4) In this section—

(a) “the court” means any court having jurisdiction in questions of heritable right or title;

(b) “overriding interest” does not include the interest of
[^{F8}(i)] a lessee under a lease which is not a long lease [^{F9} and
(ii) a non-entitled spouse within the meaning of section 6 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981.]

Textual Amendments

- F1** Words in s. 9(3) inserted (9.6.2000) by 2000 asp 5, ss. 3(b)(i), 77(1)(b) (with ss. 58, 62, 75)
- F2** Added at the end of s.9(3)(b) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 61:1), s. 59, Sch. 2 para. 21(a)
- F3** S. 9(3A) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 61:1), s. 59, Sch. 2 para. 21(b)
- F4** S. 9(3B)(3C) inserted (9.6.2000) by 2000 asp 5, ss. 3(b)(ii), 77(1)(b) (with ss. 58, 62, 75)
- F5** Words in s. 9(3B) renumbered as s. 9(3B)(a) (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 112(3), 122(1), 129(2) (with ss. 119, 121); S.S.I. 2003/456, art. 2
- F6** Word in s. 9(3B) inserted (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 112(3), 122(1), 129(2) (with ss. 119, 121); S.S.I. 2003/456, art. 2
- F7** S. 9(3B)(b) inserted (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 112(3), 122(1), 129(2) (with ss. 119, 121); S.S.I. 2003/456, art. 2
- F8** Word inserted by Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59, SIF 49:6), s. 6(4)(b)(i)
- F9** Words inserted by Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59, SIF 49:6), s. 6(4)(b)(ii)

Status:

Point in time view as at 28/11/2004. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Land Registration (Scotland) Act 1979, Section 9.