



# Land Registration etc. (Scotland) Act 2012

## 2012 asp 5

### PART 11

#### MISCELLANEOUS AND GENERAL

##### *Extracts and certified copies*

#### **104 Extracts and certified copies: general**

- (1) A person may apply to the Keeper for an extract—
  - (a) of, or of any part of, a title sheet,
  - (b) of any part of the cadastral map, or
  - (c) of, or of any part of, a document in the archive record.
- (2) A person may apply to the Keeper for a certified copy—
  - (a) of an application or advance notice in the application record,
  - (b) of, or of any part of, any other document in that record.
- (3) The Keeper must issue the extract or, as the case may be the certified copy, if—
  - (a) such fee as is payable for issuing it is paid, or
  - (b) arrangements satisfactory to the Keeper are made for payment of that fee.
- (4) If, on application under subsection (1)(a) or (b), the applicant requests an extract in relation to a title sheet or the cadastral map as at a specific date, the Keeper need comply with the request only to the extent that it is reasonably practicable to do so.
- (5) An extract of a part of the cadastral map issued under subsection (3)—
  - (a) must include the base map so far as relating to that part either—
    - (i) as at the date on which the extract is issued, or
    - (ii) if the Keeper considers it appropriate to do so, as at some earlier date, and
  - (b) must specify the base map date opted for under paragraph (a).
- (6) The Keeper may authenticate the extract or, as the case may be the certified copy, as the Keeper considers appropriate.

*Changes to legislation: Land Registration etc. (Scotland) Act 2012, Cross Heading: Extracts and certified copies is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes*

- (7) The Keeper may issue the extract, or as the case may be the certified copy, as an electronic document if (and only if) the applicant requests that it be issued in that form.

**Commencement Information**

**I1** [S. 104](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

**105 Evidential status of extract or certified copy**

- (1) An extract or certified copy issued under subsection (3) of section 104 in relation to an application under subsection (1)(a) or (b) or (2)(a) of that section is to be accepted for all purposes as sufficient evidence of the contents—
- (a) of the original, and
  - (b) of any matter relating to the original which appears on the extract or copy.
- (2) An extract or certified copy issued under subsection (3) of that section in relation to an application under subsection (1)(c) or (2)(b) of that section is to be accepted for all purposes as sufficient evidence of the contents—
- (a) of the document as submitted to the Keeper, and
  - (b) of any matter relating to the document as so submitted which appears on the extract or copy.

**Commencement Information**

**I2** [S. 105](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

**106 Liability of Keeper in respect of extracts, information and lost documents etc.**

- (1) A person is entitled to be compensated by the Keeper in respect of loss suffered as a consequence of—
- (a) the issue of an extract or certified copy under section 104 that is not a true extract, or as the case may be a true copy,
  - (b) the provision (in writing or in such other manner as provision is made for in an order under section 107(1)(a)) of other information as to the contents of the register that is incorrect,
  - (c) a document being lost, damaged or destroyed while lodged with the Keeper.
- (2) The Keeper has no liability under subsection (1)—
- (a) in so far as the claimant's loss could have been avoided by the applicant or claimant taking certain measures which it would have been reasonable for the applicant or claimant to take,
  - (b) in so far as a claimant's loss is too remote, or
  - (c) for non-patrimonial loss.

**Commencement Information**

**I3** [S. 106](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A48B and cross-heading inserted by [2016 asp 18 s. 43\(2\)](#)
- s. 116(3)(ba)(bb) inserted by [2016 asp 18 s. 43\(3\)](#)