



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).

Commencement Information

II [S. 80](#) in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

Changes to legislation: Land Registration etc. (Scotland) Act 2012, Cross Heading: Rectification is up to date with all changes known to be in force on or before 19 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

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
 - (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.

Commencement Information

I2 S. 81 in force at 8.12.2014 by [S.S.I. 2014/127](#), [art. 2](#)

Changes to legislation:

Land Registration etc. (Scotland) Act 2012, Cross Heading: Rectification is up to date with all changes known to be in force on or before 19 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.

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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\(3\)](#)