



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 9

RIGHTS OF PERSONS ACQUIRING ETC. IN GOOD FAITH

Compensation in consequence of this Part

94 Compensation for loss incurred in consequence of this Part

- (1) The Keeper must pay compensation for loss incurred by a person mentioned in subsection (2).
- (2) The person is one who—
 - (a) is deprived of a right by virtue of this Part, or
 - (b) is the proprietor of a property burdened by a servitude created by virtue of section 90.
- (3) A claimant is not required to exhaust other remedies before making a claim to such compensation.
- (4) Payment by the Keeper under this section does not extinguish any rights which the claimant may have against another person in respect of the loss compensated.
- (5) But it is a condition of any such payment that the claimant assigns any such rights to the Keeper.
- (6) The Keeper has no liability to pay compensation—
 - (a) in so far as the claimant's loss could have been avoided by the claimant taking certain measures which it would have been reasonable for the claimant to take,
 - (b) in so far as the claimant's loss is too remote, or
 - (c) for non-patrimonial loss.