



Land Registration etc. (Scotland) Act 2012

2012 asp 5

PART 7

KEEPER'S WARRANTY

Claims under warranty

78 Claims under warranty: circumstances where liability excluded

The Keeper has no liability to pay compensation by virtue of section 77(1)—

- (a) if the inaccuracy is consequent upon an error in the cadastral map and that error was made in reasonable reliance upon the base map,
- (b) if the existence of the inaccuracy was, or ought to have been, known to—
 - (i) the applicant, or
 - (ii) any person acting as solicitor or other legal adviser to the applicant, at the time of registration,
- (c) in so far as the inaccuracy is attributable to a failure of—
 - (i) the applicant, or
 - (ii) any person acting as solicitor or other legal adviser to the applicant, to comply with the duty owed to the Keeper under section 111,
- (d) in so far as the claimant's loss could have been avoided by the applicant, owner or claimant taking certain measures which it would have been reasonable for the applicant, owner or claimant to take,
- (e) in so far as the connection between the claimant's loss and the inaccuracy is too remote, or
- (f) for non-patrimonial loss.