



Registers of Scotland and Liability

Section 12(1)(d) of the Land Registration (Scotland) Act 1979 provides that a person who suffers loss as a result of an error or omission in any Land or Charge Certificate or in any information given by the Keeper in writing or in such other manner as may be prescribed by rules made under section 27 of the Act, shall be entitled to be indemnified by the Keeper in respect of that loss.

The section covers all Land Register Reports, and any information given in writing which will include information from the Land Register emanating from the Keeper's *Direct Access* Pilot Scheme and the forthcoming **REGISTERS DIRECT** service. The Keeper will expect any claimant to provide the necessary evidence of error or omission so copies of information obtained should always be retained by customers.

Outside of Land Register Reports there is no statutory liability for information from the Register of Sasines or the Search Sheets, but the Keeper takes the view that he may be liable on general principles of common law if he sells information which is incorrect and which a member of the public relies upon and suffers loss as a consequence. In appropriate cases the Keeper may make an *ex gratia* payment to compensate the loss, although the claimant will be expected to show that the loss did in fact arise as a result of reliance on the erroneous information.

This general principle also applies to information from the Register of Inhibitions and Adjudications.

