



Applicant and agent Details		
Full name of applicant		
Address of applicant		
Name of solicitor		
Address of solicitor		
Email address		
Reference	Telephone number	FAS number

Notification of inaccuracy	
For rectification of an inaccuracy in the land register all documentary evidence to support the responses to the questions below must be submitted.	
Is there an inaccuracy in the title sheet	<input type="checkbox"/> cadastral map <input type="checkbox"/> within the meaning of section 65 of the 2012 Act? (see notes 1 and 2)
Title number considered inaccurate	
Address/short description of subjects	
<p>If an inaccuracy existed in the land register prior to 8 December 2014, then, in terms of paragraph 22 of Schedule 4 of the 2012 Act, that inaccuracy ceases to be an inaccuracy if the Keeper did not have the power to rectify under section 9 of Land Registration (Scotland) Act 1979.</p> <p>Did the inaccuracy exist in the land register prior to 8 December 2014?</p> <p>If yes, give details (referring to evidence submitted where appropriate) of why the inaccuracy has not ceased by operation of paragraph 22 of Schedule 4 of the 2012 Act.</p>	



An inaccuracy may cease to be an inaccuracy where the provisions of Part 9 of the 2012 Act have realigned the rights of the parties to what the register says they are. (See note 3)

Give details (referring to evidence submitted where appropriate) of why the rights of the parties have not realigned to the register by operation of Part 9 of the 2012 Act. (See note 3)

In terms of section 80(1) of the 2012 Act, there must be a manifest inaccuracy in the title sheet or the cadastral map before the Keeper can rectify. This means that the position must be beyond dispute - it must be more than simply probable that there is an inaccuracy.

Is the inaccuracy manifest? Give details explaining what evidence has been submitted which establishes a manifest inaccuracy.

The Keeper can only rectify a manifest inaccuracy where what is needed to rectify the register is also manifest. Where what is needed to rectify the register is not so manifest, rectification cannot take place. (See note 4)

What amendment to the title sheet/cadastral map is required to correct the inaccuracy?

Where rectification would appear to interrupt the operation of positive prescription the Keeper can only rectify if all those affected consent or where the existence of the inaccuracy is judicially determined. (See note 5)

Give details, referring to the evidence submitted, to support a claim that rectification would not interrupt a period of prescriptive possession.

Name

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Signature

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Date

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## Guidance Notes

1. A title sheet is inaccurate in so far as it:
  - a. misstates what the position is in law or in fact,
  - b. omits anything required, by or under an enactment, to be included in it, or
  - c. includes anything the inclusion of which is not expressly or impliedly permitted by or under an enactment.
2. The cadastral map is inaccurate in so far as it:
  - a. wrongly depicts or shows what the position is in law or in fact,
  - b. omits anything required, by or under an enactment, to be depicted or shown on it, or
  - c. depicts or shows anything the depiction or showing of which is not expressly or impliedly permitted by or under an enactment.
3. An inaccuracy may cease to be an inaccuracy where the provisions of Part 9 have realigned the rights of the parties to what the register says they are. A person acquiring etc. in good faith and having possessed openly, peaceably and without judicial interruption for a one year period may be protected from an earlier inaccuracy in the register. In order to demonstrate that realignment of rights has not occurred, and that the inaccuracy continues to exist, the Keeper will require a judicial determination in all but exceptional cases where the matter is beyond all doubt.
4. The Keeper can only rectify a manifest inaccuracy where what is needed to rectify the register is also manifest. This means there is either no room for doubt on what is needed for rectification or there has been judicial determination on the matter. Where there is a manifest inaccuracy but what is needed for rectification is not manifest the Keeper will add a note identifying the inaccuracy in the title sheet or, as the case may be, in the cadastral map.
5. Where the rectification would interrupt the operation of positive prescription the Keeper can only rectify if all those affected consent or where the existence of the inaccuracy is judicially determined. This may apply where the entry in the title sheet affected by the inaccuracy is marked provisional under the prescriptive claimant provisions, or in any other case where it is evident that positive prescription is running. If there is no consent or judicial determination the Keeper must mark the relevant entry in the title sheet provisional (if not already marked) and must 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 such a person can be identified).



**Enclosed documents**

**Agent Details**

Agent's reference