

SCHEDULES

SCHEDULE 4

ALTERATION OF THE REGISTER

Alteration pursuant to a court order

- 3 (1) This paragraph applies to the power under paragraph 2, so far as relating to rectification.
- (2) If alteration affects the title of the proprietor of a registered estate in land, no order may be made under paragraph 2 without the proprietor's consent in relation to land in his possession unless—
- (a) he has by fraud or lack of proper care caused or substantially contributed to the mistake, or
 - (b) it would for any other reason be unjust for the alteration not to be made.
- (3) If in any proceedings the court has power to make an order under paragraph 2, it must do so, unless there are exceptional circumstances which justify its not doing so.
- (4) In sub-paragraph (2), the reference to the title of the proprietor of a registered estate in land includes his title to any registered estate which subsists for the benefit of the estate in land.