

SCHEDULES

SCHEDULE 3

MODIFICATIONS OF THIS ACT IN RELATION TO SUBSCRIPTION OR SIGNING BY RELEVANT PERSON UNDER SECTION 9

11 For paragraph 1(4) of Schedule 1 there shall be substituted the following sub-paragraph—

“(4) Where, in any proceedings relating to an alteration to a document in which a question arises as to a relevant person’s signature on behalf of a granter under section 9(1) of this Act, it is established—

- (a) that a signature bearing to be the signature of the witness of the relevant person’s signature is not such a signature, whether by reason of forgery or otherwise;
- (b) that the person who signed the alteration as the witness of the relevant person’s signature is a person who is named in the document as a granter of it;
- (c) that the person who signed the alteration as the witness of the relevant person’s signature, at the time of signing—
 - (i) did not know the granter on whose behalf the relevant person had so signed;
 - (ii) was under the age of 16 years; or
 - (iii) was mentally incapable of acting as a witness;
- (d) that the person who signed the alteration, purporting to be the witness of the relevant person’s signature, did not see him sign it;
- (dd) that the person who signed the alteration as the witness of the relevant person’s signature did not witness the granting of authority by the granter concerned to the relevant person to sign the alteration on his behalf or did not witness the reading of the alteration to the granter by the relevant person or the declaration that the granter did not wish him to do so;
- (e) that the person who signed the alteration as the witness of the relevant person’s signature did not sign the alteration after him or that the signing of the alteration by the granter and the witness was not one continuous process;
- (f) that the name or address of such a witness was added after the alteration was founded on or registered as mentioned in sub-paragraph (3)(a) above or is erroneous in any material respect; or
- (g) in the case of an alteration to a testamentary document consisting of more than one sheet, that a signature on any sheet of the alteration bearing to be the signature of the relevant person is not such a signature, whether by reason of forgery or otherwise,

then, for the purposes of those proceedings, there shall be no presumption that the alteration has been signed by the relevant person on behalf of the granter concerned.”.