
STATUTORY INSTRUMENTS

2003 No. 1417

The Land Registration Rules 2003

PART 12

ALTERATIONS AND CORRECTIONS

Alteration under a court order—not rectification

126.—(1) Subject to paragraphs (2) and (3), if in any proceedings the court decides that—

- (a) there is a mistake in the register,
- (b) the register is not up to date, or
- (c) there is an estate, right or interest excepted from the effect of registration that should be given effect to,

it must make an order for alteration of the register under the power given by paragraph 2(1) of Schedule 4 to the Act.

(2) The court is not obliged to make an order if there are exceptional circumstances that justify not doing so.

(3) This rule does not apply to an alteration of the register that amounts to rectification.

Court order for alteration of the register—form and service

127.—(1) An order for alteration of the register must state the title number of the title affected and the alteration that is to be made, and must direct the registrar to make the alteration.

(2) Service on the registrar of an order for alteration of the register must be made by making an application for the registrar to give effect to the order, accompanied by the order.

Alteration otherwise than pursuant to a court order—notice and enquiries

128.—(1) Subject to paragraph (5), this rule applies where an application for alteration of the register has been made, or where the registrar is considering altering the register without an application having been made.

(2) The registrar must give notice of the proposed alteration to—

- (a) the registered proprietor of any registered estate,
- (b) the registered proprietor of any registered charge, and
- (c) subject to paragraph (3), any person who appears to the registrar to be entitled to an interest protected by a notice,

where that estate, charge or interest would be affected by the proposed alteration, unless he is satisfied that such notice is unnecessary.

(3) The registrar is not obliged to give notice to a person referred to in paragraph (2)(c) if that person's name and his address for service under rule 198 are not set out in the individual register in which the notice is entered.

(4) The registrar may make such enquiries as he thinks fit.

(5) This rule does not apply to alteration of the register in the specific circumstances covered by any other rule.

Alteration otherwise than under a court order—evidence

129. Unless otherwise provided in these rules, an application for alteration of the register (otherwise than under a court order) must be supported by evidence to justify the alteration.

Correction of mistakes in an application or accompanying document

130.—(1) This rule applies to any alteration made by the registrar for the purpose of correcting a mistake in any application or accompanying document.

(2) The alteration will have effect as if made by the applicant or other interested party or parties—

(a) in the case of a mistake of a clerical or like nature, in all circumstances,

(b) in the case of any other mistake, only if the applicant and every other interested party has requested, or consented to, the alteration.