

---

STATUTORY INSTRUMENTS

---

**2003 No. 2171**

**The Adjudicator to Her Majesty's Land  
Registry (Practice and Procedure) Rules 2003**

**PART 7**

**GENERAL**

**Record of matters**

**46.**—(1) The adjudicator must keep at his principal office a record of matters that records the particulars of all—

- (a) references;
- (b) rectification applications;
- (c) substantive decisions; and
- (d) all applications and decisions made under rule 45.

(2) Subject to paragraph (3), the record of matters must be open to the inspection of any person without charge at all reasonable hours on working days.

(3) Where the adjudicator is satisfied that it is just and reasonable to do so, the adjudicator may exclude from inspection any information contained in the record of matters.

(4) Depending on all the circumstances, it may be just and reasonable for the adjudicator to exclude from inspection any information contained in the record of matters if it is in the interest of morals, public order, national security, juveniles or the protection of the private lives of the parties to the proceedings, or where the adjudicator considers that publicity would prejudice the interests of justice.

**List of documents and documents**

**47.**—(1) For the purposes of these Rules, a list of documents must be in writing and must contain the following information where available in relation to each document—

- (a) a brief description of the nature of the document;
- (b) whether the document is in the possession or control of the party;
- (c) whether the document is an original, a copy certified to be a true copy of the original, an office copy or another type of copy;
- (d) the date of the document;
- (e) the document parties or the original author and recipient of the document; and
- (f) the version number or similar identification number or code of the document.

(2) Unless the adjudicator otherwise permits, where a document provided for the purposes of the proceedings is or contains a coloured map, plan or drawing, any copy provided of that map, plan or drawing must be in the same colours as the map, plan or drawing of which it is a copy (so for

example, where a plan shows the boundary of a property in red, a copy of the plan must also show the boundary in red).

### **Evidence**

**48.**—(1) The adjudicator may require any witness to give evidence on oath or affirmation and for that purpose there may be administered an oath or affirmation in due form.

(2) No person may be compelled to give any evidence or produce any document or other material that that person could not be compelled to give or produce on a trial of an action in a court of law in England and Wales.

### **Expert evidence**

**49.** No party may call an expert, or submit an expert's report as evidence, without the adjudicator's permission.

### **Service of documents**

**50.**—(1) A party's address for service must be a postal address in England and Wales.

(2) The address for service in paragraph (1) must be either that of the party or of the party's representative who has been appointed as his representative for the purposes of the proceedings.

(3) A party's address for service remains that party's address for service for the purposes of these Rules unless and until he serves on the adjudicator and the other parties notice of a different address for service.

(4) Any document to be served on or delivered to any person (other than the adjudicator) under these Rules may only be served—

- (a) by first class post to his postal address given as his address for service;
- (b) by leaving it at his address for service;
- (c) subject to paragraph (5), by document exchange;
- (d) subject to paragraph (6), by fax;
- (e) subject to paragraph (7), by email; or
- (f) where no address for service has been given, by post to or leaving it at his registered office, principal place of business, head or main office or last known address, as appropriate.

(5) A document may be served on any person other than the adjudicator by document exchange in England and Wales if, in advance, the recipient has informed the adjudicator and all parties in writing—

- (a) that the recipient is willing to accept service by document exchange; and
- (b) of the box number at the document exchange to which the documents should be addressed.

(6) A document may be served by fax on any person other than the adjudicator, to a fax number at the address for service for that person if, in advance, the recipient has informed the adjudicator and all parties in writing—

- (a) that the recipient is willing to accept service by fax; and
- (b) of the fax number to which the documents should be sent.

(7) A document may be served by email on any person other than the adjudicator, if, in advance, the recipient has informed the adjudicator and all parties in writing—

- (a) that the recipient is willing to accept service by email;

- (b) of the email address to which documents should be sent, which shall be deemed to be at the recipient's address for service; and
  - (c) if the recipient wishes to so specify, the format in which documents must be sent.
- (8) Any document addressed to the adjudicator must be sent—
- (a) by first class post to an address specified by the adjudicator; or
  - (b) by such other method as the adjudicator may specify, including document exchange, fax or email.
- (9) Where under paragraph (8)(b) the adjudicator specifies another method of service, the adjudicator may—
- (a) specify that that method may be used generally or only in relation to a certain document or documents;
  - (b) specify that the specified method is no longer available or substitute that specified method with another specified method; and
  - (c) make such directions in relation to the use of the specified method as he deems appropriate.
- (10) Any document served on an unincorporated body may be sent to its secretary, manager or similar officer duly authorised to accept such service.
- (11) Any document which is served in accordance with this rule shall be regarded as having been served on the day shown in the table below—

<i>Method of service</i>	<i>Day of service</i>
First class post to a postal address within England and Wales	The second working day after it was posted.
Leaving it at a postal address within England and Wales	The working day after it was left.
Document exchange within England and Wales	The second working day after it was left at the document exchange.
Fax	The working day after it was transmitted.
Email	The working day after it was transmitted.

(12) The adjudicator may direct that service under these Rules of any document may be dispensed with and in those circumstances may make such consequential directions as he deems appropriate.

### **Applications, actions by the adjudicator of his own motion, notification, representations and objections**

- 51.**—(1) This rule does not apply to Part 3 and rule 45.
- (2) An application to the adjudicator must—
- (a) be in writing;
  - (b) state the name of the person applying or on whose behalf the application is made;
  - (c) be addressed to the adjudicator;
  - (d) state the nature of the application;
  - (e) state the reason or reasons for the application; and
  - (f) if any of the parties or persons who would be affected by the application consent to it, either—

- (i) be signed by all the parties or persons who consent or their duly authorised representatives; or
  - (ii) have attached to it a copy of their written consent.
- (3) The adjudicator may dispense with any or all of the requirements under paragraph (2)—
- (a) in relation to an application made to the adjudicator at a time when all persons who would be affected by the application are present before the adjudicator; or
  - (b) if the adjudicator otherwise considers it appropriate or practicable to do so.
- (4) For the purposes of paragraph (2)(f), the written consent referred to in that paragraph may be in the form of a letter, fax or email.
- (5) If an application is not consented to by all persons who will be affected by the application then, subject to paragraph (10), the adjudicator must serve written notice on persons who have not consented to the application but who would be affected by it.
- (6) In the notice under paragraph (5) the adjudicator must state—
- (a) that the application has been made;
  - (b) details of the application;
  - (c) that the person has a right to make written objections to or representations about the application; and
  - (d) the period within which such objections or representations must be lodged with the adjudicator.
- (7) If the adjudicator intends to act of his own motion under these Rules then, subject to paragraph (10), he must serve written notice of his intention on all persons who will be affected by the action.
- (8) In the notice under paragraph (7) the adjudicator must state—
- (a) that the adjudicator intends to take action of his own motion;
  - (b) the action the adjudicator intends to take;
  - (c) that a person has a right to make written objections or representations to the action that the adjudicator intends to take; and
  - (d) the period within which such objections or representations must be lodged with the adjudicator.
- (9) A person lodges an objection or representation if within the specified period he serves—
- (a) on the adjudicator a written statement setting out the grounds for his objection or representation; and
  - (b) on all the other persons who will be affected by the action a copy of the written statement served on the adjudicator under sub-paragraph (a).
- (10) The adjudicator shall not be required to serve notice under paragraphs (5) and (7) if, in the circumstances, he does not consider it appropriate or practicable to do so.
- (11) Paragraph (10) does not apply to notices required to be served by rule 33.

**Consideration by the adjudicator of applications (including applications for directions), representations and objections**

- 52.—**(1) In relation to any application, representation or objection made to the adjudicator, unless—
- (a) the adjudicator is satisfied that it is frivolous or vexatious; or

(b) it is received by the adjudicator after the expiry of any time limit specified for making that application, representation or objection,  
the adjudicator must consider all applications, representations or objections made to him.

(2) If an application, representation or objection is received by the adjudicator after the expiry of any time limit specified for making it, the adjudicator may consider the application, representation or objection, but he is not bound to do so.

(3) In considering any application, representation or objection, the adjudicator must make all enquiries he thinks necessary and must, if required by these Rules or if he considers it necessary, give the person making the application, representation or objection and the parties or other persons who will be affected by it the opportunity to appear before him or to submit written representations.

(4) The adjudicator may decide to accept or reject an application, representation or objection in whole or in part.

(5) Following his consideration of any applications, representations or objections that are made to him, the adjudicator must notify the person who made the application, representation or objection and the parties and any other persons who will be affected by it, of his decision in accordance with these Rules.

### **Adjournment**

**53.** In addition to the powers and obligations to adjourn proceedings contained in Part 2 and rule 38, the adjudicator may adjourn the whole or part of the proceedings when and to the extent that he feels it reasonable to do so.

### **Power to vary or set aside directions**

**54.** Subject to these Rules, the adjudicator may at any time, on the application of a party or otherwise, vary or set aside directions made under these Rules.

### **Failure to comply with a direction**

**55.—**(1) Where a party has failed to comply with a direction given by the adjudicator (including a direction to commence court proceedings under section 110(1)) the adjudicator may impose a sanction on the defaulting party—

- (a) on the application of any other party; or
- (b) of his own motion.

(2) Where the defaulting party was the person who made (or has been substituted for or added to the party who made) the original application, the sanction may include requiring the registrar to cancel the original application in whole or in part.

(3) Where the defaulting party was a person who objected to (or has been substituted for or added to the party who objected to) the original application, the sanction may include requiring the registrar to give effect to the original application in whole or in part as if the objection had not been made.

(4) A sanction that includes either of the requirements on the registrar under paragraph (2) or (3) shall be treated as the substantive decision on that matter.

(5) If the sanction does not include either of the requirements on the registrar under paragraph (2) or (3), the adjudicator must serve written notice on the parties of his decision as to what if any sanctions are imposed, and he may make consequential directions.

### **Errors of procedure**

56. Where, before the adjudicator has made his final substantive order in relation to a matter, there has been an error of procedure such as a failure to comply with a rule—

- (a) the error does not invalidate any step taken in the proceedings, unless the adjudicator so orders; and
- (b) the adjudicator may make an order or take any other step that he considers appropriate to remedy the error.

### **Accidental slips or omissions**

57. The adjudicator may at any time amend an order or direction to correct a clerical error or other accidental slip or omission.

### **Time and place**

58. If the adjudicator deems it appropriate to do so, he may alter—

- (a) any time limit specified in these Rules;
- (b) any time limit set by the adjudicator; or
- (c) the date, time or location appointed for a hearing or for any other appearance of the parties before him.

### **Calculation of time**

59.—(1) Where a period of time for doing an act is specified by these Rules or by a direction of the adjudicator, that period is to be calculated—

- (a) excluding the day on which the period begins; and
- (b) unless otherwise specified, by reference to calendar days.

(2) Where the time specified by these Rules or by a direction of the adjudicator for doing an act ends on a day which is not a working day, that act is done in time if it is done on the next working day.

### **Representation of parties**

60.—(1) If a party who was previously unrepresented appoints a representative or, having been represented, appoints a replacement representative, that party must, as soon as reasonably practicable following the appointment, notify the adjudicator and the other parties in writing—

- (a) of the fact that he has appointed a representative or replacement representative;
- (b) the name and contact details of the representative or replacement representative;
- (c) whether the representative or replacement representative has been authorised by the party to accept service of documents; and
- (d) if the representative or replacement representative has been authorised to accept service, the address for service.

(2) If a party who was previously represented ceases to be represented, that party must, as soon as reasonably practicable following the ending of his representation, notify the adjudicator and the other parties in writing—

- (a) of the fact that he is no longer represented; and
- (b) where the party's address for service had previously been the address of the representative, the party's new address for service.

### **Independence of adjudicator's staff**

**61.** When undertaking a non-administrative function of the adjudicator on the adjudicator's authorisation, a member of the adjudicator's staff is not subject to the direction of the Lord Chancellor or any other person or body.