



Land Registration Act 2002

2002 CHAPTER 9

PART 11

ADJUDICATION

^{F1}107 The adjudicator

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Textual Amendments

^{F1} S. 107 omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 227](#) (with [Sch. 3](#))

108 Jurisdiction

- (1) The [^{F2}First-tier Tribunal] has the following functions—
 - (a) determining matters referred to [^{F3}it] under section 73(7), and
 - (b) determining appeals under paragraph 4 of Schedule 5.
- (2) Also, the [^{F4}First-tier Tribunal] may, on application, make any order which the High Court could make for the rectification or setting aside of a document which—
 - (a) effects a qualifying disposition of a registered estate or charge,
 - (b) is a contract to make such a disposition, or
 - (c) effects a transfer of an interest which is the subject of a notice in the register.
- (3) For the purposes of subsection (2)(a), a qualifying disposition is—
 - (a) a registrable disposition, or
 - (b) a disposition which creates an interest which may be the subject of a notice in the register.
- (4) The general law about the effect of an order of the High Court for the rectification or setting aside of a document shall apply to an order under this section.

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Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Part 11. (See end of Document for details)

[^{F5}(5) The Lord Chancellor may require the registrar to make payments towards expenses of the Lord Chancellor in support of the functions conferred on the First-tier Tribunal by this section.]

Textual Amendments

- F2** Words in s. 108(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 228\(a\)](#) (with Sch. 3)
- F3** Word in s. 108(1)(a) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 228\(b\)](#) (with Sch. 3)
- F4** Words in s. 108(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 228\(c\)](#) (with Sch. 3)
- F5** S. 108(5) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 228\(d\)](#) (with Sch. 3)

^{F6}109 Procedure

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Textual Amendments

- F6** S. 109 omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 229](#) (with Sch. 3)

110 Functions in relation to disputes

- (1) In proceedings on a reference under section 73(7), the [^{F7}First-tier Tribunal] may, instead of deciding a matter ^{F8}..., direct a party to the proceedings to commence proceedings within a specified time in the court for the purpose of obtaining the court's decision on the matter.
- (2) [^{F9}Tribunal Procedure Rules] may make provision about the reference under subsection (1) of matters to the court and may, in particular, make provision about—
 - (a) adjournment of the proceedings before the [^{F10}First-tier Tribunal] pending the outcome of the proceedings before the court, and
 - (b) the powers of the [^{F11}First-tier Tribunal] in the event of failure to comply with a direction under subsection (1).
- (3) [^{F12}Tribunal Procedure Rules] may make provision about the functions of the [^{F13}First-tier Tribunal] in consequence of a decision on a reference under section 73(7) and may, in particular, make provision enabling the [^{F13}First-tier Tribunal] to determine, or give directions about the determination of—
 - (a) the application to which the reference relates, or
 - (b) such other present or future application to the registrar as [^{F14}Tribunal Procedure Rules] may provide.
- (4) If, in the case of a reference under section 73(7) relating to an application under paragraph 1 of Schedule 6, the [^{F15}First-tier Tribunal] determines that it would be unconscionable because of an equity by estoppel for the registered proprietor to seek

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to dispossess the applicant, but that the circumstances are not such that the applicant ought to be registered as proprietor, the [^{F15}First-tier Tribunal]—

- (a) must determine how the equity due to the applicant is to be satisfied, and
- (b) may for that purpose make any order that the High Court could make in the exercise of its equitable jurisdiction.

Textual Amendments

- F7** Words in s. 110(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 230\(a\)](#) (with Sch. 3)
- F8** Word in s. 110(1) omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 230\(a\)](#) (with Sch. 3)
- F9** Words in s. 110(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 230\(b\)\(i\)](#) (with Sch. 3)
- F10** Words in s. 110(2)(a) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 230\(b\)\(ii\)](#) (with Sch. 3)
- F11** Words in s. 110(2)(b) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 230\(b\)\(ii\)](#) (with Sch. 3)
- F12** Words in s. 110(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 230\(c\)\(i\)](#) (with Sch. 3)
- F13** Words in s. 110(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 230\(c\)\(ii\)](#) (with Sch. 3)
- F14** Words in s. 110(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 230\(c\)\(iii\)](#) (with Sch. 3)
- F15** Words in s. 110(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\), art. 1, Sch. 1 para. 230\(d\)](#) (with Sch. 3)

111 Appeals

- [^{F16}(1) Subject to this section, a person aggrieved by a decision of the First-tier Tribunal under this Act may appeal to the Upper Tribunal.
- (2) An appeal may not be brought under subsection (1) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007 (right of appeal to Upper Tribunal)).
 - (2A) An appeal may not be brought under subsection (1) in the case of a decision under paragraph 4 of Schedule 5 (but this does not prevent an appeal on a point of law under section 11 of the Tribunals, Courts and Enforcement Act 2007).
 - (2B) An appeal may not be brought under subsection (1) if the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007 (review of decision of First-tier Tribunal).
 - (2C) An appeal may be brought under subsection (1) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.]
 - (3) If on an appeal under this section [^{F17}or under section 11 of the Tribunals, Courts and Enforcement Act 2007] relating to an application under paragraph 1 of Schedule 6 the [^{F18}Upper Tribunal] determines that it would be unconscionable because of an equity by estoppel for the registered proprietor to seek to dispossess the applicant, but that the circumstances are not such that the applicant ought to be registered as proprietor,

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the [^{F18}Upper Tribunal] must determine how the equity due to the applicant is to be satisfied.

[^{F19}(4) In any case where the Upper Tribunal is determining an appeal under subsection (1), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.]

Textual Amendments

F16 S. 111(1)-(2C) substituted for s. 111(1)(2) (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 231(a)** (with Sch. 3)

F17 Words in s. 111(3) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 231(b)(i)** (with Sch. 3)

F18 Words in s. 111(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 231(b)(ii)** (with Sch. 3)

F19 S. 111(4) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 231(c)** (with Sch. 3)

112 Enforcement of orders etc

A requirement of the [^{F20}First-tier Tribunal] shall be enforceable as an order of the court.

Textual Amendments

F20 Words in s. 112 substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 232** (with Sch. 3)

^{F21}**113 Fees**

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Textual Amendments

F21 S. 113 omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 233** (with Sch. 3)

^{F22}**114 Supplementary**

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Textual Amendments

F22 S. 114 omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 234** (with Sch. 3)

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