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STATUTORY INSTRUMENTS

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**2003 No. 1417**

**The Land Registration Rules 2003**

**PART 14**

**MISCELLANEOUS AND SPECIAL CASES**

*Adverse Possession*

**[<sup>F1</sup>Arbitration requested by proprietor**

**194A.**—(1) This rule applies where a proprietor with the right under paragraph 10(1) of Schedule 6 to the Act to require apportionment has given the chargor notice in accordance with paragraph (2).

(2) The notice referred to in paragraph (1) must—

- (a) identify the proprietor and give an address for communications to the proprietor from the chargor,
- (b) make proposals as to the values of the registered estate and the other property subject to the charge,
- (c) state the proprietor’s intention, in the absence of agreement on the respective values of the registered estate and the other property subject to the charge, to request the President of the Royal Institution of Chartered Surveyors to appoint a qualified surveyor to determine these values, and
- (d) be served by post to, or by leaving the notice at, any postal address or by electronic transmission to an electronic address (if there is one) entered in the register as an address for service for the chargor.

(3) If the chargor does not provide the proprietor with the chargor’s written agreement to the values referred to in paragraph (2)(b), or to any other valuations acceptable to the proprietor, within one month of when the notice was received, the proprietor may make the request referred to in paragraph (2)(c).

(4) Where a qualified surveyor has been appointed pursuant to a request under paragraph (3)—

- (a) the proprietor shall be liable for the costs of that appointment,
- (b) the qualified surveyor shall act as an arbitrator and the provisions of the Arbitration Act 1996 shall apply,
- (c) the proprietor and the chargor shall be parties to the arbitration,
- (d) the chargee may elect to be joined as a party to the arbitration, and the qualified surveyor must ascertain whether the chargee so elects, and
- (e) the proprietor and the chargor must allow the qualified surveyor access to the land any estate in which is subject to the charge.

(5) In this rule, “an address for communications” means a postal address but if additionally the proprietor provides an e-mail address then that is also an address for communications.]

**Status:** Point in time view as at 06/04/2018.

**Changes to legislation:** The Land Registration Rules 2003, Section 194A is up to date with all changes known to be in force on or before 12 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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### Textual Amendments

- F1** Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

**Status:**

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**Changes to legislation:**

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