

2003 No. 2114

LAND REGISTRATION, ENGLAND AND WALES

**The Land Registration (Referral to the Adjudicator to
HM Land Registry) Rules 2003**

Made - - - - - 2nd August 2003

Laid before Parliament 14th August 2003

Coming into force - - 13th October 2003

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 127 of the Land Registration Act 2002^(a), in exercise of the powers conferred upon him by that section and section 73(8) of the Land Registration Act 2002, and of all other powers enabling him in that behalf, hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the Land Registration (Referral to the Adjudicator to HM Land Registry) Rules 2003 and shall come into force on 13 October 2003.

Interpretation

2. In these rules—

“the Act” means the Land Registration Act 2002;

“business day” means a day when the land registry is open to the public under rule 216 of the Land Registration Rules 2003^(b);

“disputed application” means an application to the registrar under the Act to which an objection has been made;

“objection” means an objection made under section 73 of the Act;

“the parties” means the person who has made the disputed application and the person who has made an objection to that application.

Procedure for referral to the adjudicator

3.—(1) When the registrar is obliged to refer a matter to the adjudicator under section 73(7) of the Act, he must as soon as practicable—

(a) prepare a case summary containing the information set out in paragraph (2),

(b) send a copy of the case summary to the parties,

(c) give the parties an opportunity to make comments on the contents of the case summary in the manner, to the address, and within the time specified by him, and

(d) inform the parties in writing that the case summary together with copies of the documents listed in it will be sent to the adjudicator with the notice referred to in rule 5(2).

(a) 2002 c. 9.

(b) S.I. 2003/1417.

- (2) The case summary must contain the following information—
- (a) the names of the parties,
 - (b) the addresses of the parties,
 - (c) details of their legal or other representatives (if any),
 - (d) a summary of the core facts,
 - (e) details of the disputed application,
 - (f) details of the objection to that application,
 - (g) a list of any documents that will be copied to the adjudicator, and
 - (h) anything else that the registrar may consider to be appropriate.
- (3) The registrar may amend the case summary as he considers appropriate having considered any written comments made to him by the parties under paragraph (1)(c).

Parties' addresses

- 4.—(1) If the address of a party set out in the case summary does not comply with paragraph (2), that party must provide the registrar with one that does.
- (2) An address complies with this paragraph if it—
- (a) is a postal address in England and Wales, and
 - (b) is either that of the party or of his representative.

Notice of referral to the adjudicator

- 5.—(1) This rule applies—
- (a) when the registrar has considered any written comments made by the parties under rule 3(1)(c), or
 - (b) if he has not received any comments from the parties within the time specified under rule 3(1)(c), on the expiry of that period, and
 - (c) when he has amended the case summary, if appropriate, under rule 3(3).
- (2) The registrar must as soon as practicable—
- (a) send to the adjudicator a written notice, accompanied by the documents set out in paragraph (3), informing him that the matter is referred to him under section 73(7) of the Act,
 - (b) inform the parties in writing that the matter has been referred to the adjudicator, and
 - (c) send the parties a copy of the case summary prepared under rule 3 in the form sent to the adjudicator.
- (3) The notice sent to the adjudicator under paragraph (2)(a) must be accompanied by—
- (a) the case summary prepared under rule 3 amended, if appropriate, by the registrar under rule 3(3), and
 - (b) copies of the documents listed in that case summary.

Specified time periods

- 6.—(1) For the purposes of rule 3(1)(c), the time specified by the registrar must not end before 12 noon on the fifteenth business day after the date on which the registrar sends the copy of the case summary to the relevant party under rule 3(1)(b) or such earlier time as the parties may agree.
- (2) On and after the date specified in any notice given pursuant to rule 216(2) of the Land Registration Rules 2003, paragraph (1) shall have effect with the substitution of the words “eighteenth business day” for the words “fifteenth business day”.

Signed by authority of the Lord Chancellor

Dated 2nd August 2003

David Lammy
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Rules)

Under section 73 of the Land Registration Act 2002 (“the Act”), an objection may be made to any application to the registrar. If that objection is not groundless, the registrar may not determine the application until the objection has been disposed of and, if this is not possible by agreement, section 73(7) requires the registrar to refer the matter to the adjudicator.

The post of adjudicator is a new post created by the Act. The adjudicator has the power to determine the matters in dispute or to direct a party to commence court proceedings for the purpose of obtaining the court’s decision on the matter.

These rules set out the process under which disputed applications to the registrar will be referred to the adjudicator.

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