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STATUTORY INSTRUMENTS

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**2003 No. 2171**

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

PART 2

REFERENCES TO THE ADJUDICATOR

**Scope of this Part**

4. The rules in this Part apply to references.

**Notice of receipt by the adjudicator of a reference**

5. Following receipt by the adjudicator of a reference, the adjudicator must—
- (a) enter the particulars of the reference in the record of matters; and
  - (b) serve on the parties notice in writing of—
    - (i) the fact that the reference has been received by the adjudicator;
    - (ii) the date when the adjudicator received the reference;
    - (iii) the matter number allocated to the reference;
    - (iv) the name and any known address and address for service of the parties to the proceedings; and
    - (v) which party will be the applicant for the purposes of the proceedings and which party or parties will be the respondent.

**Direction to commence court proceedings under section 110(1)**

6. Where the adjudicator intends to direct a party to commence court proceedings under section 110(1), the parties may make representations or objections but any representations or objections must be concerned with one or more of the following—

- (a) whether the adjudicator should make such a direction;
- (b) which party should be directed to commence court proceedings;
- (c) the time within which court proceedings should commence; and
- (d) the questions the court should determine.

**Notification to the adjudicator of court proceedings following a direction to commence court proceedings under section 110(1)**

7.—(1) In this Part—

“the date that the matter before the court is finally disposed of” means the earliest date by which the court proceedings relating to the matter or on the relevant part (including any

court proceedings on or in consequence of an appeal) have been determined and any time for appealing or further appealing has expired;

“the relevant part” means the part of the matter in relation to which the adjudicator has directed a party under section 110(1) to commence court proceedings; and

“the final court order” means the order made by the court that records the court’s final determination (on appeal or otherwise).

(2) A party who has been directed to commence court proceedings under section 110(1) must serve on the adjudicator—

- (a) within 14 days of the commencement of the court proceedings, a written notice stating—
  - (i) that court proceedings have been issued in accordance with directions given by the adjudicator;
  - (ii) the date of issue of the court proceedings;
  - (iii) the names and any known addresses of the parties to the court proceedings;
  - (iv) the name of the court at which the court proceedings will be heard; and
  - (v) the case number allocated to the court proceedings;
- (b) within 14 days of the date of the court’s decision on any application for an extension of time, a copy of that decision; and
- (c) within 14 days of the date that the matter before the court is finally disposed of, a copy of the final court order.

**Adjournment of proceedings before the adjudicator following a direction to commence court proceedings on the whole of the matter under section 110(1)**

8.—(1) This rule applies where the adjudicator has directed a party under section 110(1) to commence court proceedings for the court’s decision on the whole of the matter.

(2) Once he has received notice under rule 7(2)(a) that court proceedings have been issued, the adjudicator must adjourn all of the proceedings before him pending the outcome of the court proceedings.

(3) Once he has received a copy of the final court order and unless the court directs otherwise, the adjudicator must close the proceedings before him without making a substantive decision.

**Adjournment of proceedings before the adjudicator following a direction to commence court proceedings on part of the matter under section 110(1)**

9.—(1) This rule applies where the adjudicator has directed a party under section 110(1) to commence court proceedings for the court’s decision on the relevant part.

(2) Once he has received notice under rule 7(2)(a) that court proceedings have been issued in relation to the relevant part, the adjudicator—

- (a) must adjourn the proceedings before him in relation to the relevant part, pending the outcome of the court proceedings; and
- (b) unless the court directs otherwise, must not make a substantive decision on the relevant part.

(3) Once he has received a copy of the final court order on the relevant part and unless the court directs otherwise, the adjudicator must close the proceedings before him in relation to the relevant part without making a substantive decision on that relevant part.

(4) The adjudicator may adjourn the proceedings in relation to any other part of the matter before him pending the outcome of the court proceedings.

(5) While the court proceedings are still ongoing, the party directed to commence court proceedings must notify the court of any substantive decision made by the adjudicator within 14 days of service on that party of the substantive decision.

**Notification where court proceedings are commenced otherwise than following a direction to commence court proceedings under section 110(1)**

**10.** Where a party commences or has commenced court proceedings otherwise than following a direction under section 110(1) and those court proceedings concern or relate to the matter before the adjudicator, that party must serve—

- (a) on the adjudicator within 14 days of the commencement of the court proceedings or, if later, within 7 days of service on that party of notification of the reference under rule 5(b), a written notice stating—
  - (i) that court proceedings have been issued;
  - (ii) the way and the extent to which the court proceedings concern or relate to the matter before the adjudicator;
  - (iii) the date of issue of the court proceedings;
  - (iv) the names and any known addresses of the parties to the court proceedings;
  - (v) the name of the court at which the court proceedings will be heard; and
  - (vi) the case number allocated to the court proceedings;
- (b) on the adjudicator within 14 days of the date that the matter before the court is finally disposed of, a copy of the final court order; and
- (c) on the court within 14 days of service on that party of such a decision, a copy of any substantive decision made by the adjudicator on the matter.

**Adjournment of proceedings before the adjudicator where court proceedings are commenced otherwise than following a direction to commence court proceedings under section 110(1)**

**11.** Where court proceedings are commenced otherwise than following a direction to commence court proceedings under section 110(1), the adjudicator may adjourn the whole or part of the proceedings before him pending the outcome of the court proceedings.

**Applicant’s statement of case and documents**

**12.** Unless otherwise directed by the adjudicator, the applicant must serve on the adjudicator and each of the other parties within 28 days of service of the notification of the reference under rule 5(b)—

- (a) his statement of case which must be in accordance with rule 14; and
- (b) a copy of all of the documents listed in the list of documents contained in his statement of case in accordance with rule 47.

**Respondent’s statement of case and documents**

**13.** The respondent must serve on the adjudicator and each of the other parties within 28 days of service of the applicant’s statement of case—

- (a) his statement of case which must be in accordance with rule 14; and
- (b) a copy of all of the documents listed in the list of documents contained in his statement of case in accordance with rule 47.

### **Statement of case**

**14.**—(1) Where under these Rules a party is required to provide a statement of case, that statement of case must be in writing and must include—

- (a) the name of the party and confirmation of the party’s address for service;
- (b) the party’s reasons for supporting or objecting to the original application;
- (c) the facts on which the party intends to rely in the proceedings;
- (d) a list of documents in accordance with rule 47 on which the party intends to rely in the proceedings; and
- (e) a list of witnesses that the party intends to call to give evidence in support of the party’s case.

(2) If in relation to part only of the matter—

- (a) a party has been directed to commence or has commenced court proceedings; or
- (b) the adjudicator has adjourned proceedings before him,

the adjudicator may direct that the statement of case should contain the information specified in paragraphs (1)(b) to (1)(e) inclusive only in relation to the part of the matter that is not before the court for the court’s decision or has not been adjourned before the adjudicator.