

LAND REGISTRATION ACT 2002

EXPLANATORY NOTES

COMMENTARY ON THE SECTIONS

Schedule 9: the Adjudicator

Holding of office, Remuneration, and Parliamentary disqualification

288. *Paragraphs 1, 2 and 9* The adjudicator will hold office on the terms determined by the Lord Chancellor, including pay, expenses and allowances. Pension provision will be dealt with either under the Judicial Pensions and Retirement Act 1993 (JUPRA), or otherwise as the Lord Chancellor determines. The adjudicator will have judicial terms and conditions. He or she may resign or be removed from office on the grounds of incapacity or misbehaviour. The adjudicator will continue in office until the term of the appointment ends. When the appointment ends, he or she is eligible for reappointment. The appointment is subject to the provisions of JUPRA which provide for a compulsory retirement age of 70 years, subject to the possibility of annual extensions until the appointee is 75 years of age. If there are special circumstances on the termination of the appointment, the Lord Chancellor has power to pay compensation. Like the office of Chief Land Registrar, the office of adjudicator becomes an office which disqualifies from membership of the House of Commons, the Scottish Parliament, the National Assembly for Wales and Northern Ireland Assembly.

Staff and Conduct of business

289. *Paragraphs 3,4 and 5* Like the registrar, the adjudicator is supported by staff who may be authorised to carry out any of his or her functions. The only exception to this is that for tasks that are not administrative, such as presiding over hearings, the member of staff must meet the same requirements of ten years' legal qualification under the Courts and Legal Services Act 1990 as the adjudicator. Like the registrar, the adjudicator may choose staff and appoint them on such terms and conditions as he or she, with the approval of the Minister for the Civil Service, sees fit. The Lord Chancellor can make regulations to cover the situation when a vacancy arises in the office of adjudicator.

Application of Tribunals and Inquiries Act 1992

290. *Paragraph 8* states that the adjudicator is to be under the supervision of the Council on Tribunals. At present, the Solicitor to HM Land Registry is not.