



Land Registration Act 2002

2002 CHAPTER 9

PART 11

ADJUDICATION

107 The adjudicator

- (1) The Lord Chancellor shall appoint a person to be the Adjudicator to Her Majesty's Land Registry.
- (2) To be qualified for appointment under subsection (1), a person must have a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41)).
- (3) Schedule 9 (which makes further provision about the adjudicator) has effect.

108 Jurisdiction

- (1) The adjudicator has the following functions—
 - (a) determining matters referred to him under section 73(7), and
 - (b) determining appeals under paragraph 4 of Schedule 5.
- (2) Also, the adjudicator 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.

109 Procedure

- (1) Hearings before the adjudicator shall be held in public, except where he is satisfied that exclusion of the public is just and reasonable.
- (2) Subject to that, rules may regulate the practice and procedure to be followed with respect to proceedings before the adjudicator and matters incidental to or consequential on such proceedings.
- (3) Rules under subsection (2) may, in particular, make provision about—
- (a) when hearings are to be held,
 - (b) requiring persons to attend hearings to give evidence or to produce documents,
 - (c) the form in which any decision of the adjudicator is to be given,
 - (d) payment of costs of a party to proceedings by another party to the proceedings, and
 - (e) liability for costs thrown away as the result of neglect or delay by a legal representative of a party to proceedings.

110 Functions in relation to disputes

- (1) In proceedings on a reference under section 73(7), the adjudicator may, instead of deciding a matter himself, 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) 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 adjudicator pending the outcome of the proceedings before the court, and
 - (b) the powers of the adjudicator in the event of failure to comply with a direction under subsection (1).
- (3) Rules may make provision about the functions of the adjudicator in consequence of a decision on a reference under section 73(7) and may, in particular, make provision enabling the adjudicator 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 the 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 adjudicator 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, the adjudicator—
- (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.

111 Appeals

- (1) Subject to subsection (2), a person aggrieved by a decision of the adjudicator may appeal to the High Court.
- (2) In the case of a decision on an appeal under paragraph 4 of Schedule 5, only appeal on a point of law is possible.
- (3) If on an appeal under this section relating to an application under paragraph 1 of Schedule 6 the court 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, the court must determine how the equity due to the applicant is to be satisfied.

112 Enforcement of orders etc

A requirement of the adjudicator shall be enforceable as an order of the court.

113 Fees

The Lord Chancellor may by order—

- (a) prescribe fees to be paid in respect of proceedings before the adjudicator;
- (b) make provision about the payment of prescribed fees.

114 Supplementary

Power to make rules under this Part is exercisable by the Lord Chancellor.