
STATUTORY INSTRUMENTS

2000 No. 2213

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration (Hearings Procedure) Rules 2000

Made - - - - - *3rd August 2000*
Laid before Parliament *14th August 2000*
Coming into force - - - *2nd October 2000*

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925⁽¹⁾, in exercise of the powers conferred on him by that section, hereby makes the following rules:

Preliminary

Citation and commencement

1. These rules may be cited as the Land Registration (Hearings Procedure) Rules 2000 and shall come into force on 2nd October 2000.

PART I

THE OVERRIDING OBJECTIVE

Application of the Overriding Objective

- 2.—(1) The overriding objective of these rules is to enable the Registrar to deal with cases justly.
- (2) Dealing with a case justly includes, so far as is practicable:
- (a) ensuring that the parties are on an equal footing;
 - (b) saving expense;
 - (c) dealing with the case in ways which are proportionate—
 - (i) to the value of the land or other interests involved,
 - (ii) to the importance of the case,

⁽¹⁾ 1925 c. 21; section 144(1) was amended by the Administration of Justice Act 1982 (c. 53), Schedule 5, paragraph (d). The reference to the Ministry of Agriculture, Fisheries and Food was substituted by the Transfer of Functions (Ministry of Food) Order 1955 (S.I.1955/554).

- (iii) to the complexity of the issues, and
- (iv) to the financial position of each party; and
- (d) ensuring that it is dealt with expeditiously and fairly.
- (3) The Registrar must seek to give effect to the overriding objective when he:
 - (a) exercises any power given to him by rule 299 of the principal rules or these rules; or
 - (b) interprets any provision contained in rule 299 of the principal rules or these rules.
- (4) The parties are required to help the Registrar to maintain the overriding objective.

PART II

THE DECISION TO CONDUCT A HEARING

Notice of intention to hear

3.—(1) Where the Registrar is to conduct a hearing to determine a matter under rule 299 of the principal rules he must serve a notice of his intention to hear on all parties to the dispute. Such notice must name the parties to the proceedings and must include, in a form approved by the Registrar, guidance relating to the rules of evidence and procedure which apply to the hearing. The notice must also inform the parties of the time and place of the hearing.

(2) When he receives the notice of intention to hear, a party must notify the Registrar whether or not he intends to attend or be represented at the hearing and whether or not he intends to call witnesses.

(3) If a party does not intend to attend or be represented at the hearing, he may send to the Registrar written representations in support of his contentions.

Representation at hearing

4. —At any oral hearing, a party may conduct his case himself or may appear and be represented or assisted by any person whether or not legally qualified:

Provided that if in any particular case the Registrar is satisfied that there is sufficient reason for doing so, he may refuse to permit a particular person to represent or assist a party at the hearing.

PART III

PREPARATION FOR A HEARING

Addition and substitution of parties

5.—(1) If it appears to the Registrar, whether on the application of a party or otherwise, that it is desirable that any person be made a party to the proceedings, the Registrar may direct that such person be added as a new party and may give consequential directions, including directions as to the delivery and service of documents.

(2) The Registrar may direct that any person cease to be a party if it is not desirable for that person to be a party to the proceedings.

(3) The Registrar may direct that a new party be substituted for an existing one if the existing party's interest or liability has passed to the new party and it is desirable to substitute the new party so that the Registrar can resolve the matters in dispute in the proceedings.

Directions in preparation for a hearing

6.—(1) The Registrar may at any time, on the application of a party or otherwise, give such directions as are provided in this part of these rules (including the issue of a witness summons) to enable the parties to prepare for the hearing or to assist the Registrar to determine the issues.

(2) An application by a party for directions must be in writing addressed to the Registrar and, unless accompanied by the written consent of all the parties, must first be served by that applicant on any other party who might be affected by such directions. If a party objects to the directions sought, the Registrar must consider the objection and, if he considers it necessary for the determination of the application, must give the parties an opportunity of appearing before him.

(3) Directions containing a requirement under this part of these rules must include a statement of the possible consequences for the application or the objection as provided by rule 12 of these rules, of a party's failure to comply with the requirement within any time limit imposed by the Registrar.

Facts and issues to be decided

7. The Registrar may give directions requiring a party to provide a statement of the facts in dispute or issues to be decided or a summary of the arguments upon which a party intends to rely.

Further information and supplementary statements

8. The Registrar may give directions requiring a party to provide such further information or supplementary statements as may be reasonably required for the determination of the matters in issue in the proceedings.

Disclosure and inspection of documents

9.—(1) The Registrar may give directions:

- (a) requiring a party to deliver to the Registrar any document or other material which the Registrar may require and which is in the control of that party, and the Registrar may make such provision as he thinks necessary to supply copies of any document obtained under this rule to other parties to the proceedings;
- (b) requiring a party to permit another party to inspect and take copies of any document or other material which is in his control;
- (c) specifying the time and place for disclosure and inspection.

(2) For the purpose of this rule a party has a document or other material in his control if:

- (a) it is in his physical possession;
- (b) he has a right to possession of it; or
- (c) he has a right to inspect or take copies of it.

(3) It will be a condition of the supply of any document or other material under this rule that a party may only use the document or material supplied for the purpose of the proceedings in which it was disclosed.

Witness summonses

10.—(1) The Registrar may by summons under the seal of the Land Registry require any persons in England and Wales to attend as a witness at any hearing at the date, time and place specified in the summons to answer any questions which relate to any matter in question.

(2) The witness summons will be binding only if, when it is served:

- (a) the witness is given at least seven days' notice of the hearing, or shorter notice if he has informed the Registrar that he will accept such notice as he has been given; and
 - (b) the witness is paid or offered the necessary payment of his expenses.
- (3) A witness summons must normally be served by the person on whose behalf it is issued but if, exceptionally, the Registrar agrees to effect service the person issuing the summons must deposit with the Registrar payment of the witness's expenses.
- (4) A witness summons must be in the form appearing in the Schedule to these rules.

Experts

11. No party may call an expert or put in evidence an expert's report without the Registrar's permission.

Failure to comply with directions

12.—(1) Where a party has failed to comply with a direction under these rules given by the Registrar, any affected party may apply to the Registrar for a sanction to be imposed on the defaulting party.

(2) A sanction imposed under paragraph (1) may include the following:

- (a) if the defaulting party is an applicant: cancellation of his application in whole or part;
- (b) if the defaulting party is a person who has objected to an application: giving effect to the application in whole or in part as if the objection, or part of the objection, had not been made;
- (c) if the defaulting party has lodged any caution or is the personal representative of such a person: cancellation of the caution.

(3) A party who intends to apply for such a sanction must do so without delay but must first notify the defaulting party of his intention to do so.

Application to set aside or vary directions made without notice

13.—(1) Any party served with directions made on application but on whom a copy of the application made in support of the directions was not served may apply to the Registrar to have it set aside or varied.

(2) Any application under this rule must be made within 7 days after the date on which the directions were served on the person making the application.

Publication of hearings

14. The Registrar must publish details of all listed hearings at the Headquarters office of Her Majesty's Land Registry at 32 Lincoln's Inn Fields London WC2A 3PH.

PART IV

DETERMINATION OF APPLICATIONS

Hearings to be in public: exceptions

15.—(1) Hearings must be in public unless and to the extent that the Registrar is satisfied that it is just and reasonable to exclude the public.

(2) The requirement for a hearing to be in public does not require the Registrar to make special arrangements for accommodating members of the public.

(3) The Registrar may exclude from the hearing, or any part of it, any person whose conduct has disrupted or is likely, in the opinion of the Registrar, to disrupt the hearing.

Absence of parties

16.—(1) If any party does not attend and is not represented at any hearing of which he has received notice in accordance with these rules, the Registrar may:

- (a) unless he is satisfied that the reasons for absence are justified, hear and determine the application in the party's absence; or
- (b) adjourn the hearing.

(2) Before deciding any application in the absence of any party, the Registrar must consider all evidence and written representations already submitted by the absent party.

Decision of Registrar

17.—(1) The decision of the Registrar may be given orally at the end of the hearing or reserved and in every case, including where the Registrar decides a matter without an oral hearing under rule 299(2) of the principal rules, must be recorded in an order under the seal of the Land Registry and served by the Registrar on every party to the proceedings to which it relates.

(2) The Registrar may at any time correct an accidental slip or omission in any order.

(3) The Registrar must send to all parties his reasons in writing for any order which finally disposes of a matter unless it was made after delivery of a reasoned judgment at the hearing.

PART V

MISCELLANEOUS AND INTERPRETATION

Service of documents

18.—(1) For the purposes of these rules, a party may give an address for service of any order, direction, notice or other document, but in the case of a registered proprietor or cautioner unless otherwise specified his address for service shall be the address given on the register.

(2) Where these rules require or authorise any order, direction, notice or other document to be served on or delivered to any person, they may be sent by post to his address for service or, where no address for service has been given, his registered office, principal place of business, head or main office or last known address, as appropriate. Any notice, application or other document addressed to the Registrar must be sent to 32 Lincoln's Inn Fields, London WC2A 3PH, or as he otherwise directs.

(3) Any order, direction, notice or other document required or authorised under these rules to be served on, or delivered to, an unincorporated body may be sent to its secretary, manager or similar officer.

(4) Every order, direction, notice or other document served under these rules by post will be assumed, in the absence of contrary evidence, to have been delivered in the normal course of post.

(5) The Registrar may direct that service under these rules of any order, direction, notice or other document be dispensed with or permit service by an alternative method.

(6) Rule 311(1) of the principal rules does not apply to any notice required or authorised to be served on or delivered to any person under these rules.

(7) The following provisions of the principal rules do not apply to any notice or other document required or authorised to be served on or delivered to any person under these rules:

- (a) rule 311(3);
- (b) rule 313;
- (c) rule 315.

Time

19.—(1) The Registrar may vary the time limit set by any order or direction he has made or given and may change the date appointed for a hearing or for any other purpose.

(2) Where the last day to do any act falls on a Saturday, Sunday or public holiday, the act shall be in time if done on the next following day which is not a Saturday, Sunday or public holiday.

Interpretation

20. In these rules—

“the principal rules” means the Land Registration Rules 1925(2).

Signed by the authority of the Lord Chancellor

Dated 3rd August 2000

Jane Kennedy
Parliamentary Secretary,
Lord Chancellor’s Department

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Schedule

Rule 10(4)

Witness Summons

HM LAND REGISTRYLAND REGISTRATION ACTS 1925 TO 1986RULE 10 LAND REGISTRATION (HEARINGS PROCEDURE RULES) 2000

TITLE NO(S).

IN THE MATTER of the application(s) for

at

in the County of

under Title No(s).

IN THE MATTER of the dispute concerning

BETWEEN (1)

APPLICANT(S)

and

(2)

RESPONDENT(S)

LET

(a) Full name and address of witness

(a)

of

attend

on

the

day of

2000

at

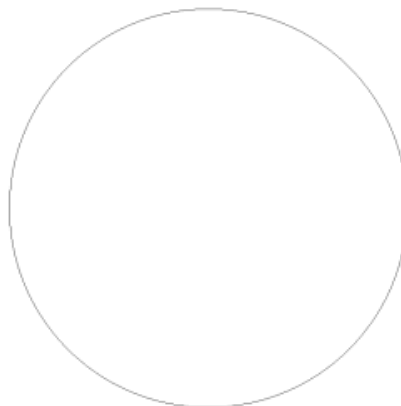
(b) Full name and address of person applying for the summons

[to give evidence on behalf of] ^(b)

Dated the day of 2000

This Summons was taken out by [Messrs. Solicitors for] the above named

To:



Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the procedure to be followed in proceedings before the Registrar:

- (a) Part I imports the Overriding Objective contained in Rule 1.1 of the Civil Procedure Rules 1998 and requires the Registrar, with the assistance of the parties, to seek to give effect to that objective throughout the proceedings.
- (b) Part II deals with all cases where the Registrar has decided to conduct a hearing. Rule 3 requires him to notify the parties of his intention and to provide guidance relating to evidence and procedure. The Rule also permits the parties to attend, call witnesses and be represented. Rule 4 deals with the right of audience before the Registrar.
- (c) Part III deals generally with the procedure leading to the hearing. The Rules provide the Registrar with the appropriate powers, both to give directions and to impose sanctions, to facilitate the pre-hearing process. Rule 9 deals with the disclosure and inspection of evidence, while Rule 10 enables the Registrar to issue witness summonses and prescribes the form. Under Rule 11, a party may only use expert evidence with the Registrar's permission.
- (d) Part IV deals generally with all hearings. Rule 15 provides for hearings to be in public. Rule 16 enables the Registrar, in the absence of a party, either to hear and determine the matter or to adjourn the hearing. Rule 17 provides the methods by which the Registrar may give his decision and requires it to be recorded in an order. It also requires the Registrar to give written reasons for his decision if a reasoned judgement was not delivered at the hearing.