

Example Statement of Case (Respondent)

The rules marked in the Statement of Case refer to the Adjudicator HM Land Registry (Practice & Procedure) Rules 2003, which can be found under [Rules & Legislation](#)

Also, for your ease, the rules have been attached at the end of the example of the Statement of Case.

Case Reference: REF/2005/.....

A.B – Applicant

Vs.

C.D – Respondent

Statement of Case by C.D. - Respondent

Name and Address for Service:

This is the statement of case of C.D. The address for service of documents is care of Woods & Co. of

Rule 14(1)(a)

Reasons for objecting to the original Application:

The Respondent has at all material times namely since 1979 been the registered proprietor of the freehold property situate at and known as(referred to as ‘the property’)

Rule 14(1)(b)

The said property is registered at HM Land Registry under title number and is more particularly edged blue on the plan annexed hereto (referred to as ‘the plan’) and marked RD1.

The Applicant is and has at all material times namely since 1978 been registered proprietor of the adjacent freehold property situate at and known as

..... is registered at HM Land Registry under title number and is more particularly edged red on the Plan.

It is denied that in or around 1989 the Respondent discontinued possession of that part of the property hatched green on the plan comprising a concrete yard (referred to as ‘the Yard’) or alternatively was dispossessed of the same and the Applicant has been in continuous and exclusive possession of the yard. The Applicant or his agents acknowledged the title of the Respondent to the Yard in 1989 and again in 1996

Facts upon which the Respondent intends to rely:

Rule 14 (1)(c)

In response the numbered paragraphs of the Applicant's Statement of Case:

- (1) Admitted, although since 1996 the use of the land has been sporadic and restricted to the keeping of chickens.
- (2) Admitted.
- (3) Admitted.
- (4) Admitted save that there has been access to the Yard via a gap in the hedge dividing the Yard from the Property in the position marked A on the Plan marked RD1. The photograph marked RD2 and dated around July 1990 shows the gap in the hedge through which the Respondent has periodically gained access to the Yard.
- (5) Admitted, save the attempts to contact the Applicant referred to in paragraph 8 below.
- (6) Admitted.
- (7) In or around March 1989 the Applicant approached the Respondent's brother who was living at the property at the time, with a view to seeking permission from the Respondent, on the assumption that he was the true owner, to use the Yard. The Yard was to be used for extra storage in connection with the Applicant's small garden centre business run from the Applicant's property. The Applicant hoped to use the Yard in return for free garden supplies or a small rental fee. The Respondent was not at the property at the time, but his brother agreed to pass on the message. As the Yard was no longer in use as part of the Respondent's smallholding, the Respondent was down sizing the business with a view to retiring in a few years time, the Applicant was advised that an agreement could most likely be reached when the Respondent returned. This agreement was never formalised as the Respondent did not view the use the Applicant put the Yard to as significant, and was happy with the resurfacing and maintenance of the Yard in lieu of any payment.
- (8) Following the commencement of the building of the brick storage sheds in 1996 the Respondent attempted to approach the Applicant at his shop premises on the adjacent property as no permission had been sought to erect the buildings. The Respondent was informed by one of the Applicant's employees that the Applicant was away on business and could not be contacted, but he would be informed of the Respondent's enquiries on his return. An apology was offered by the employee that the buildings had been started without seeking permission first. Subsequently, the Applicant did not make any attempt to contact the Respondent directly, but following the introduction of chickens to the Yard, and the more sporadic use of the Yard by the Applicant, the Respondent decided not to chase the matter further at that time. The Respondent was planning to fully retire and had other business matters to conclude.
- (9) At no time has the Respondent been excluded from the Yard, and has sporadically entered the Yard in order to maintain the boundary hedge referred to above. The Respondent has allowed the Applicant to continue to use the Yard under the assumption that conversations with the Applicant's employees would be reported to the Applicant, and that he would be contacted if the Applicant was not happy with the arrangement.

Rule 14(1)(d)

Documents upon which the Respondent intends to rely:

Description	Who has possession	Original/ Copy	Date of document	Parties	Document number
Plan	Respondent	Original	29/3/2005	N/A	RD1
Photo	Respondent	Original	July 1990	N/A	RD2
Conveyance	Respondent	Copy	5/5/1948	(1) J.D. Smith and (2) L.R. Westwood	RD3
Transfer	Respondent	Copy	12/1/1979	(1) L.R. Westwood and (2) C.D.	RD4

Rule 47(1)(a)

Rule 47(1)(b)

Rule 47 (1)(c)

Rule 47(1)(d)

Rule 47(1)(e)

Rule 47(1)(f)

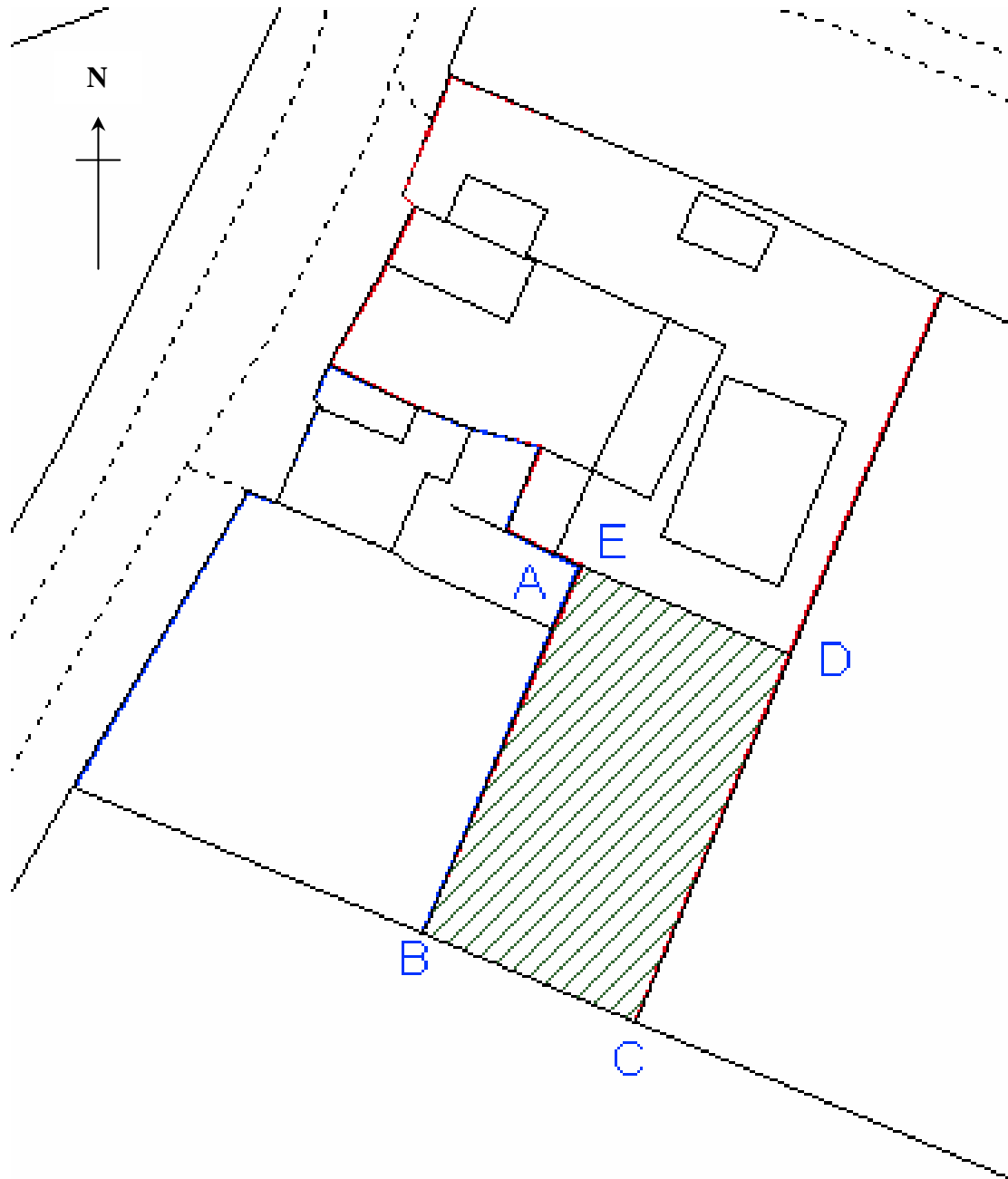
List of witnesses the Respondent intends to call:

1) Mr. C.R – Brother of Respondent

Rule 14(1)(e)

2) Mr. C.D – Respondent

Plan RD1



Rules 14 and 47

Statement of case Rule 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.

List of documents and documents Rule 47.

(1) For the purposes of these Rules, a list of documents must be in writing and must contain the following information where available in relation to each document -

- (a) a brief description of the nature of the document;
- (b) whether the document is in the possession or control of the party;
- (c) whether the document is an original, a copy certified to be a true copy of the original, an office copy or another type of copy;
- (d) the date of the document;

(e) the document parties or the original author and recipient of the document; and

(f) the version number or similar identification number or code of the document.

(2) Unless the adjudicator otherwise permits, where a document provided for the purposes of the proceedings is or contains a coloured map, plan or drawing, any copy provided of that map, plan or drawing must be in the same colours as the map, plan or drawing of which it is a copy (so for example, where a plan shows the boundary of a property in red, a copy of the plan must also show the boundary in red).