

INFORMATION ON APPEALS AND STAYS

Abbreviations

‘CPR’	The Civil Procedure Rules 1998 (as amended). Procedural rules governing procedure in the High Court
‘PD52’	The Practice Direction attached to, and supplementing, CPR52
‘the 2003 Rules’	The Adjudicator to Her Majesty’s Land Registry (Practice and Procedure) Rules 2003. The Adjudicator’s procedural rules

Right to appeal

You have a right to appeal against **any** decision of the Adjudicator to the Chancery Division of the High Court on questions of both law and fact under section 111(1) of the Land Registration Act 2002.

You also have the right to apply to the Adjudicator for him to vary or set aside **some** of his own orders (rule 54 of the 2003 Rules). **This does not apply** to orders addressed to the Chief Land Registrar or to **final** decisions in cases **not** referred to this office by the Land Registry (rule 39(3) of the 2003 Rules).

Permission to appeal

You must first, however, obtain permission to appeal either from the Adjudicator or from the High Court (CPR rules 52(3)(1)(b), 52(3)(2) and PD52 paragraph 23.8B(1)).

Permission from the Adjudicator

The usual practice is first to seek permission from the Adjudicator. You should do this in writing, giving reasons, within 28 days of the issue of the written decision. Before reaching a decision as to whether to grant permission to appeal the Adjudicator will allow the parties to make representations or objections (Rule 45(4) of the 2003 Rules).

If the Adjudicator refuses permission to appeal then you may make a further application for permission to the Chancery Division of the High Court in an appellant’s notice of appeal (CPR 52.4(1)). This must be done within 28 days of the refusal by the Adjudicator or of receipt of his written reasons for the refusal, if given later (PD52 paragraphs 17.3 and 17.4) **unless the Adjudicator or the court extends the period of time** (CPR 52.4(1) and (2), PD52 paragraphs 17.3 and 17.4).

Permission from the High Court

Alternatively, you may seek permission to appeal from the Chancery Division of the High Court without asking the Adjudicator for permission first. You should do this in an appellant’s notice of appeal within 28 days of the date of the Adjudicator’s decision or the written reasons for it, if given later, **unless the Adjudicator or the court extends the period of time** (CPR 52.4(1) and (2), PD52 paragraphs 17.3 and 17.4). If the High Court refuses permission, it is not then possible to ask the Adjudicator for permission.

You must let the Adjudicator know the result of your application for permission to the High Court within 14 days. If permission is granted and the case goes to a full hearing you must send a copy of the final decision of the court to the Adjudicator within 14 days (PD52 paragraph 23.8B(2) and (4)).

Stay of the Adjudicator’s order

If you apply to the Adjudicator for permission to appeal and you want a stay of the Adjudicator’s order (i.e. you want to prevent it taking effect until your appeal is decided) you should apply expressly for a stay at

the same time as you apply for permission to appeal and give reasons for your application for a stay (Rules 45(2) and (3) of the 2003 Rules).

The Adjudicator can only grant a stay if permission to appeal is given. A stay is not, however, automatic even if the Adjudicator grants permission to appeal.

You can also apply to the High Court for a stay of the Adjudicator's decision. If you apply to the court for a stay, you must let the Adjudicator know the outcome within 14 days (PD52 paragraph 23.8B(3)).

Notifying the Land Registry of an application for a stay

If, but only if, the order you want to appeal against is expressly directed to the Chief Land Registrar, you should also notify the Land Registry immediately of your intention to appeal and to ask for a stay. Please note that this office has no control over when the Land Registry implements such orders. You should also notify the Land Registry if your application for a stay is made to the High Court.

Contacting the High Court

You can contact the High Court at the following address:

The Clerk of the Lists
Appeals Office
Room WG7
Royal Courts of Justice
The Strand
London
WC2A 2LL

Telephone 020 7947 7354

Issued by the Office of the Adjudicator
to Her Majesty's Land Registry
7th Floor,
Victory House,
30-34 Kingsway,
London
WC2B 6EX.

December 2006