

SCHEDULE 1

Consequential provisions – primary legislation

PART 3

Provisions consequential upon transfer of functions from and abolition of the Adjudicator to Her Majesty's Land Registry

Superannuation Act 1972

217. In the Superannuation Act 1972(1), in Schedule 1 (kinds of employment, etc, referred to in section 1), omit the entry relating to employment by the Adjudicator to Her Majesty's Land Registry.

House of Commons Disqualification Act 1975

218. In the House of Commons Disqualification Act 1975(2), in Schedule 1 (judicial offices disqualifying for membership), omit "Adjudicator to Her Majesty's Land Registry".

Northern Ireland Assembly Disqualification Act 1975

219. In the Northern Ireland Assembly Disqualification Act 1975(3), in Schedule 1 (judicial offices disqualifying for membership), omit "Adjudicator to Her Majesty's Land Registry".

Tribunals and Inquiries Act 1992

220. In the Tribunals and Inquiries Act 1992(4), in Schedule 1 (tribunals under general supervision of Council), omit the entry numbered 27B relating to Land Registration.

Judicial Pensions and Retirement Act 1993

221. The Judicial Pensions and Retirement Act 1993(5) is amended as follows.

222. In Part 2 of Schedule 1(6) (other appointments), omit the entries relating to—

- (a) the Adjudicator to Her Majesty's Land Registry, and
- (b) persons authorised by the Adjudicator in accordance with paragraph 4 of Schedule 9 to the Land Registration Act 2002.

223. In Schedule 5(7) (retirement provisions: the relevant offices), omit the following entries—

- (a) "Adjudicator to Her Majesty's Land Registry";

(1) 1972 c. 11. The entry referred to was inserted by the Superannuation (Admission to Schedule 1 to the Superannuation Act 1972) Order 2006, [S.I. 2006/3374](#).

(2) 1975 c. 24, as amended by paragraph 9 of Schedule 9 to the Land Registration Act 2002 (c. 9).

(3) 1975 c. 25. The entry in Schedule 1 relating to the Adjudicator was inserted by paragraph 9 of Schedule 9 to the Land Registration Act 2002 (c. 9).

(4) 1992 c. 53. The entry in Schedule 1 referred to was inserted by paragraph 8 of Schedule 9 to the Land Registration Act 2002 (c. 9).

(5) 1993 c. 8

(6) The entries referred to were inserted by paragraph 8 of Schedule 11 to the Land Registration Act 2002 (c. 9) and by the Judicial Pensions and Retirement Act 1993 (Addition of Qualifying Judicial Offices) (No. 3) Order 2008, [S.I. 2008/3139](#) respectively.

(7) The entries referred to were inserted by paragraph 28 of Schedule 11 to the Land Registration Act 2002 (c. 9) and the Judicial Pensions and Retirement Act 1993 (Addition of Qualifying Judicial Offices) (No. 3) Order 2008, [S.I. 2008/3139](#) respectively.

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- (b) “Persons authorised by the Adjudicator to Her Majesty’s Land Registry in accordance with paragraph 4 of Schedule 9 to the Land Registration Act 2002 to carry out functions which are not of an administrative character”.

Law of Property (Miscellaneous Provisions) Act 1994

224. In the Law of Property (Miscellaneous Provisions) Act 1994⁽⁸⁾, in section 17 (notices affecting land: absence of knowledge of intended recipient’s death), in subsection (3)(c), omit “or the Adjudicator to Her Majesty’s Land Registry”.

Land Registration Act 2002

225. The Land Registration Act 2002⁽⁹⁾ is amended as follows.

226. In section 73(7) (objections), for “adjudicator”, substitute “First-tier Tribunal”.

227. Omit section 107 (the adjudicator).

228. In section 108 (jurisdiction)—

- (a) in subsection (1), for “adjudicator”, substitute “First-tier Tribunal”;
- (b) in paragraph (a) of subsection (1), for “him” substitute “it”;
- (c) in subsection (2), for “adjudicator” substitute “First-tier Tribunal”;
- (d) after subsection (4) insert—

“(5) The Lord Chancellor may require the registrar to make payments towards expenses of the Lord Chancellor in support of the functions conferred on the First-tier Tribunal by this section.”

229. Omit section 109 (procedure).

230. In section 110 (functions in relation to disputes)—

- (a) in subsection (1), for “adjudicator”, substitute “First-tier Tribunal” and omit “himself”;
- (b) in subsection (2)—
 - (i) for “Rules” substitute “Tribunal Procedure Rules”;
 - (ii) in paragraphs (a) and (b), for “adjudicator”, in both places, substitute “First-tier Tribunal”;
- (c) in subsection (3)—
 - (i) for “Rules”, substitute “Tribunal Procedure Rules”;
 - (ii) for “adjudicator”, in both places, substitute “First-tier Tribunal”;
 - (iii) for “the rules”, substitute “Tribunal Procedure Rules”;
- (d) in subsection (4), for “adjudicator”, in both places, substitute “First-tier Tribunal”.

231. In section 111 (appeals)—

- (a) For subsections (1) and (2), substitute—

“(1) Subject to this section, a person aggrieved by a decision of the First-tier Tribunal under this Act may appeal to the Upper Tribunal.

⁽⁸⁾ 1994 c. 36. Section 17(3)(c) was substituted by paragraph 31(1) and (3)(a) of Schedule 11 to the Land Registration Act 2002 (c. 9).

⁽⁹⁾ 2002 c. 9

(2) An appeal may not be brought under subsection (1) on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007 (right of appeal to Upper Tribunal)).

(2A) An appeal may not be brought under subsection (1) in the case of a decision under paragraph 4 of Schedule 5 (but this does not prevent an appeal on a point of law under section 11 of the Tribunals, Courts and Enforcement Act 2007).

(2B) An appeal may not be brought under subsection (1) if the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007 (review of decision of First-tier Tribunal).

(2C) An appeal may be brought under subsection (1) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.”;

(b) in subsection (3)—

(i) after “under this section” insert “or under section 11 of the Tribunals, Courts and Enforcement Act 2007”;

(ii) for “court” in both places, substitute “Upper Tribunal”;

(c) after subsection (3) insert—

“(4) In any case where the Upper Tribunal is determining an appeal under subsection (1), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.”

232. In section 112 (enforcement of orders etc) for “adjudicator” substitute “First-tier Tribunal”.

233. Omit section 113 (fees).

234. Omit section 114 (supplementary).

235. In section 128 (rules, regulations and orders)—

(a) in subsection (4)(b), for “Part 11 or section 121”, substitute “section 121, or”;

(b) omit subsection (4)(c).

236. In section 132 (general interpretation), in subsection (1), omit the entry relating to the adjudicator.

237. In Schedule 5, in paragraph 4 (land registry network: appeals)—

(a) in sub-paragraph (1), for “adjudicator” substitute “First-tier Tribunal”;

(b) in sub-paragraph (2)—

(i) for “adjudicator” substitute “First-tier Tribunal”;

(ii) for “he” substitute “the tribunal”;

(iii) for “his” substitute “its”.

(c) omit sub-paragraph (3).

238. Omit Schedule 9 (which makes further provision about the adjudicator).

Constitutional Reform Act 2005

239. The Constitutional Reform Act 2005(10) is amended as follows.

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240. In Schedule 7 (protected functions of the Lord Chancellor), in the entry relating to the Land Registration Act 2002, for the references to section 107(1) and to Schedule 9, substitute “Section 108(5)”.

241. In Part 3 of Schedule 14 (appointments by the Lord Chancellor: offices to which paragraph 12(2)(d) of Schedule 12 applies) omit the entry relating to the Adjudicator to Her Majesty’s Land Registry.