

REGISTERED LAND (APPEALS) RULES – SECTION 149

(Legal Notice 6 of 1989)

Rules of court made by the Chief Justice in exercise of the power conferred upon him by section 149 of the Registered Land Ordinance.

Short title

1. These rules of court may be cited as the Registered Land (Appeals) Rules.

Interpretation

2. In these rules, “**decision**” includes direction, order, determination and award.

CASES STATED

Application for case to be stated

3. (1) A request under section 146 of the Registered Land Ordinance (hereinafter referred to as the Ordinance) by an aggrieved party to the Registrar to state a case for the opinion of the Supreme Court shall be in the form RLA1 set out in the Schedule, shall be signed by the aggrieved party or his advocate or lay advocate and shall be accompanied by the prescribed fee (if any).

(2) When the Registrar lodges a case with the court in compliance with a request made under subrule (1)—

- (a) he shall serve a copy of it on the aggrieved party; and
- (b) either the Registrar or the aggrieved party may, within seven days thereafter, apply to the Registrar of the Supreme Court to set the matter down for argument.

(3) Where an application has been made for a case stated to be set down for argument, the Registrar of the Supreme Court shall, not later than 48 hours before the day fixed for the hearing, give notice thereof to the Registrar and to the aggrieved party.

APPEALS

Notice of appeal

4. A notice of appeal under section 147 of the Ordinance shall be in the form RLA2 set out in the Schedule.

Duties of Registrar

5. On receipt of a notice of appeal, the Registrar shall, as soon as practicable—
 - (a) send to the Registrar of the Supreme Court, a brief statement of the question in issue, as required by section 147(2) of the Ordinance, together with extracts from the register relating to the parcel or parcels concerned, copies of any relevant documents and, if his decision was given after hearing evidence, a copy of the notes of evidence, if any, taken by him or under his direction;

- (b) send to any person appearing to him from the register to be affected by the appeal, a copy of the notice of appeal and copies of the documents referred to in paragraph (a).

Notice of interest

6. (1) A person who desires to be heard on the appeal, whether or not he is a person to whom rule 4(b) applies, may give notice to the Registrar of the Supreme Court of such desire, setting out briefly the nature of his interest in the appeal.

(2) A notice under subrule (1) shall be in the form RLA3 set out in the Schedule.

Notice of hearing

7. The Registrar of the Supreme Court shall give to the appellant and to the Registrar and to every person who has given notice under rule 6, not less than 14 days notice of the date fixed for the opening of the sessions at which the appeal will be heard.

Nonappearance of parties

8. (1) If on the date fixed, or on any other day to which the hearing may be adjourned, the appellant does not appear when the appeal is called for hearing, the Court may order that the appeal be dismissed.

(2) Where the appellant appears but some or all other parties do not appear, the appeal may be heard in their absence.

Death of appellant

9. An appeal shall not abate on the death of the appellant but the Court shall, on the application of any interested person, cause the personal representative of the deceased to be made a party in place of the deceased.

Hearing

10. At the hearing of the appeal, the appellant or his representative shall open, the persons who gave notice under rule 6 or their representatives shall follow, in such order as may be agreed or as, in the absence of agreement, the court may decide, and then the Registrar may address the court and the appellant shall have the right to apply.

SCHEDULE

(Form RLA1)

Rule 3

REGISTERED LAND (APPEALS) RULES

REQUEST THAT A CASE BE STATED

Registration section Parcel

To the Registrar of Lands.

I (Name)

of (Address)

Specify
complaint

being aggrieved by

hereby require you to state a case thereon for the opinion of the Supreme Court.

Dated this day of, 20.....

Signature of person aggrieved.

(Form RLA2)

Rule 4

REGISTERED LAND (APPEALS) RULES

NOTICE OF APPEAL

Registration section Parcel

I (Name)

of (Address)

being dissatisfied with the decision/direction/order/determination/award of the Registrar of Lands given on the day of, 20....., appeal to the Supreme Court against it.

My submissions are

Dated this day of, 20.....

Signature of appellant

This e-version of the text is not authoritative for use in court.

(Form RLA3)

Rule 6(2)

REGISTERED LAND (APPEALS) RULES

NOTICE OF INTEREST

Registration section Parcel

Appeal No. brought by (Name)

I (Name)

of (Address)

having an interest in the above appeal, request an opportunity of being heard.

Give particulars

My interest in the matter is

Dated this day of, 20.....

Signature
