

1975 No. 299

LANDS TRIBUNAL

The Lands Tribunal Rules 1975

Made - - - - 28th February 1975

Coming into Operation 1st April 1975

ARRANGEMENT OF RULES

PRELIMINARY

Rule

1. Citation and commencement.
2. Interpretation.

PART I. APPEALS AGAINST DETERMINATIONS

3. Notice of appeal.
4. Time for giving notice.
5. Entry of appeal.
6. Appearance by persons other than appellants.
7. Power to require further particulars.
8. Power to require particulars of determination.

PART II. APPEALS FROM LOCAL VALUATION COURTS

9. Notice of appeal.
10. Notice of intention to appear.
11. Statement of case and exchange of valuations.

PART III. OTHER APPEALS

12. Notice of appeal.
13. Notice of intention to appear.
14. Statement of case.

PART IV. REFERENCES

15. Application of Part IV.
16. Notice of reference.
17. Entry of reference.

PART V. APPLICATIONS UNDER SECTION 84 OF THE LAW OF
PROPERTY ACT 1925

(RELIEF FROM RESTRICTIVE COVENANTS AFFECTING LAND)

18. Interpretation.
19. Method of making application.
20. Publication of notices.
21. Notice of objection.
22. Suspension of proceedings.
23. Order without hearing, etc.
24. Power to direct additional notices.
25. Enquiries of local authorities.
26. Provisions as to orders.

PART VI. APPLICATIONS UNDER SECTION 2 OF THE RIGHTS OF
LIGHT ACT 1959

27. Form of application.
28. Publicity.
29. Issue of temporary certificates.
30. Issue of definitive certificates.

PART VII. GENERAL PROCEDURE

31. Selection of members of Tribunal.
32. Sittings of Tribunal.
33. Tribunal to sit in public.
34. View of land.
35. Assessors.
36. Proceedings to be consolidated or heard together.
37. Power to select test case in appeals from local valuation courts.
38. Application of Arbitration Act 1950.
39. Evidence.
40. Disclosure of documents.
41. Failure to supply documents.
42. Expert witnesses.
43. Appellant limited to grounds of appeal.
44. Right of audience.

45. Interlocutory applications.
46. Certificates of value.
47. Administration of oaths.
48. Extension of time.
49. Preliminary point of law.
50. Sealed offers.
51. Withdrawal of appeal, dismissal of appeal etc., before hearing.
52. Procedure at hearing.
53. Default of appearance at hearing.
54. Decision of Tribunal.
55. Consent orders.
56. Costs.
57. Service of notices.
58. Change of address.
59. Substituted service.
60. Failure to comply with Rules.
61. Fees.
62. Transitional provisions, repeals, etc.

Schedule 1—Forms

Schedule 2—Fees

The Lord Chancellor, in exercise of the powers conferred on him by section 3 of the Lands Tribunal Act 1949(a) and section 28(6) of the Law of Property Act 1969(b), after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(c), and with the approval of the Treasury in regard to fees, hereby makes the following Rules:—

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Lands Tribunal Rules 1975 and shall come into operation on 1st April 1975.

Interpretation

2.—(1) The Interpretation Act 1889(d) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(a) 1949 c. 42.

(b) 1969 c. 59.

(c) 1971 c. 62.

(d) 1889 c. 63.

(2) In these Rules, unless the context otherwise requires—

“the Act” means the Lands Tribunal Act 1949;

“the Act of 1961” means the Land Compensation Act 1961(a);

“appeal against a determination” means an appeal against a determination of any question by any government department, authority or person from whom an appeal to which the determining authority is the respondent lies to the Lands Tribunal;

“drainage rates appeal” means an appeal from the decision of a local valuation court in relation to the value of land for the purpose of drainage rates;

“hereditament” includes a hereditament for the purpose of drainage rates;

“net annual value” means the net annual value of the hereditament to which an appeal relates as shown in the valuation list, or, if that value is not shown in the valuation list, the rateable value so shown;

“the office” means the office for the time being of the Lands Tribunal;

“the President” means the President of the Lands Tribunal, or the member appointed under section 2(3) of the Act to act for the time being as deputy for the President;

“proceedings” means proceedings before the Lands Tribunal;

“rating appeal” means an appeal from the decision of a local valuation court in relation to the general rate;

“reference” has the meaning assigned to it by rule 15;

“the registrar” means the registrar of the Lands Tribunal or, as respects any powers or functions of the registrar, any officer of the Lands Tribunal authorised by the Lord Chancellor to exercise those powers or functions;

“the Tribunal” means the member or members of the Lands Tribunal selected under section 3(2) of the Act to deal with a case;

“valuation officer” has the meaning assigned to it by section 115(1) of the General Rate Act 1967(b);

“valuation proceedings” means proceedings before a local valuation court.

(3) Unless the context otherwise requires, a rule, Part or Schedule referred to by number means the rule, Part or Schedule so numbered in these Rules.

(4) A form referred to by number or by number and letter means the form so identified in Schedule 1 or a form substantially to the same effect.

(5) Unless the context otherwise requires, any reference in these Rules to any enactment shall be construed as a reference to that enactment as amended, extended or applied by any other enactment.

(a) 1961 c. 33.

(b) 1967 c. 9.

PART I

APPEALS AGAINST DETERMINATIONS

Notice of appeal

3.—(1) An appeal against a determination may be instituted by sending to the registrar in duplicate a written notice of appeal.

(2) In the case of an appeal against a determination by the Secretary of State, an acquiring authority or a local planning authority under section 145, 156, 162, 166 or 167 of the Town and Country Planning Act 1971(a), the notice of appeal shall be in Form 1.

(3) In the case of an appeal against any determination by the Commissioners of Inland Revenue in respect of which, but for the provisions of the Act, there would be a right of appeal to one of the panel of referees appointed under Part I of the Finance (1909–10) Act 1910(b) (including an appeal against a decision of the Commissioners under section 60 of that Act), the notice of appeal shall be in Form 1A.

(4) In the case of any other appeal against a determination, the notice of appeal shall, unless otherwise provided by the enactment conferring the right of appeal, state—

- (i) the name and address of the appellant;
- (ii) the name and address of the determining authority and the date, reference number and short particulars of the determination;
- (iii) the description of the land or hereditament which is the subject of the appeal;
- (iv) the question which the appellant requires to be determined by the Tribunal, including a statement of the figure representing the amount or value which the appellant requires to be so determined;
- (v) the grounds of appeal;
- (vi) whether the appellant does or does not propose to call an expert witness to give evidence;
- (vii) an address for service of notices and other documents upon the appellant.

Time for giving notice

4. A notice of appeal shall not be valid unless it is sent to the registrar within 28 days from the date on which notice of the determination was served upon the appellant, or within such other time as may be prescribed by the enactment conferring the right of appeal.

Entry of appeal

5.—(1) Upon receiving a notice of appeal, the registrar shall enter particulars of the appeal in the Register of Appeals against Determinations, send the duplicate notice to the determining authority and inform the appellant and the determining authority of the number of the appeal entered in the Register, which shall thereafter constitute the title of the appeal.

(a) 1971 c. 78.

(b) 1910 c. 8.

(2) Upon receiving the duplicate notice of appeal, the determining authority shall send a copy of the determination to the registrar.

Appearance by persons other than appellants

6.—(1) Where an appeal against a determination is pending, any person (other than the appellant) who claims to be entitled under the enactment conferring the right of appeal to be heard in the dispute shall, if he intends to appear at the hearing, give written notice of his intention to the registrar, the determining authority and the appellant.

(2) Notice of intention to appear given by a person who has received a notice from the determining authority that a dispute has been referred to the Lands Tribunal shall be given not later than 21 days after he receives the notice; and notice of intention to appear given by any other person shall be given not later than 3 days before the day fixed for the hearing.

(3) Every person giving notice of intention to appear under this rule shall state in the notice—

- (i) whether he has been notified that the dispute has been referred to the Lands Tribunal and, if so, by whom and on what date he was so notified;
- (ii) the interest in land whereby he claims to be entitled to be heard in the dispute;
- (iii) whether he intends to appear separately or jointly with some other person;
- (iv) the grounds on which he intends to rely;
- (v) whether he does or does not propose to call an expert witness to give evidence;
- (vi) an address for service of notices and other documents upon him.

(4) The registrar shall, at the request of any person who has given notice of intention to appear or who satisfies the registrar that he is qualified to give such notice, supply that person with a copy of the notice of appeal and of any relevant notice of intention to appear received by the registrar from any other person.

Power to require further particulars

7.—(1) Subject to any direction which may be given by the President, the registrar may, at any time after receiving a notice of appeal or notice of intention to appear, require the person giving the notice to furnish a statement setting out further and better particulars of the grounds on which he intends to rely and any relevant facts and contentions.

(2) The statement shall be sent in duplicate to the registrar within such time as he may direct, not being less than 14 days after the date of the requirement, and copies of the statement shall be sent to such other persons who have given notice of appeal, or notice of intention to appear, in relation to the same proceedings, as the registrar may direct.

(3) Upon receiving the statement, the registrar shall send the duplicate statement to the determining authority.

Power to require particulars of determination

8. Where the President or the Tribunal requests the determining authority to furnish particulars of any determination which appear to be requisite for deciding the appeal, the determining authority shall furnish the particulars to the registrar, the appellant and any person from whom the authority has received notice of intention to appear at the hearing.

PART II

APPEALS FROM LOCAL VALUATION COURTS

Notice of appeal

9.—(1) An appeal against the decision of a local valuation court may be instituted within 28 days from the date of the decision by sending to the registrar a notice of appeal, that is to say, a written notice (which may be in Form 2) indicating an intention to appeal.

(2) Where the notice is in Form 2 the appellant shall, unless the registrar otherwise directs, send with the notice the following documents—

- (i) sufficient copies of the notice for service of one copy upon the valuation officer (unless the appeal is a drainage rates appeal) and one copy upon every person who appeared as a party to the valuation proceedings;
- (ii) a list of the names and addresses of every person who appeared as a party to the valuation proceedings;
- (iii) a copy of the decision appealed against;
- (iv) a copy of the proposal or determination which was the subject of the valuation proceedings.

(3) Where the notice is not in Form 2—

- (i) the appellant may, and if the registrar so requires shall, send to the registrar the documents specified in paragraph (2) above;
- (ii) if the registrar so requires, the appellant shall, within such time as the registrar may direct (not being less than 14 days from the date of the requirement) send to the registrar a notice in Form 2, which shall thereafter constitute the notice of appeal.

(4) Upon receiving a notice of appeal and any other documents required in accordance with this rule, the registrar shall—

- (i) enter particulars of the appeal in the Register of Rating Appeals;
- (ii) serve a copy of the notice upon the valuation officer (unless the appeal is a drainage rates appeal) and upon every person (other than the appellant) who appeared as a party to the valuation proceedings;
- (iii) inform the appellant and every person upon whom a copy of the notice has been served of the number of the appeal entered in the Register, which shall thereafter constitute the title of the appeal;
- (iv) inform the appellant of the date on which copies of the notice were served.

Notice of intention to appear

10.—(1) Every person upon whom a copy of the notice of appeal is served shall, if he intends to appear on the hearing of the appeal, give written notice of his intention, stating—

- (i) whether he intends to appear separately or jointly with some other person;
- (ii) the grounds on which he intends to rely;
- (iii) whether he does or does not propose to call an expert witness to give evidence;
- (iv) an address for service of notices and other documents upon him.

(2) The notice of intention to appear shall be given to the registrar and to the appellant within 21 days from the date of service of the copy of the notice of appeal, and the registrar shall serve a copy of the notice of intention on every other party to the appeal.

(3) Nothing in this rule shall entitle the valuation officer to appear on the hearing of an appeal if he was not a party to the valuation proceedings.

Statement of case and exchange of valuations

11.—(1) Where notice of intention to appear has been given and the appeal is on a point of law or the net annual value of the hereditament to which the appeal relates exceeds £1,250—

- (i) within 28 days after the time limited by rule 10 for giving the notice, the appellant shall send to the registrar and to each party by whom notice has been given a statement of his case, including the facts to be proved and any points of law on which he intends to rely at the hearing;
- (ii) within 28 days after receiving the appellant's statement, every party who intends to appear in opposition to the appeal shall send to the registrar, the appellant and every other party to the appeal a reply stating his case, including the facts to be proved and any points of law upon which he intends to rely at the hearing:

Provided that nothing in this paragraph shall preclude any party from sending a statement of his case to the registrar.

(2) Every statement or reply sent to the registrar in accordance with paragraph (1) above shall be accompanied by—

- (i) every valuation of the hereditament which it is proposed to put in evidence (including particulars and computations in support of the valuation), or a statement of the value or values which the parties have agreed to attribute to the hereditament in the event of the Tribunal allowing or dismissing the appeal, as the case may be, and
- (ii) a description of any comparable hereditaments to which the party intends to refer at the hearing in support of his case,

together with sufficient copies of the documents for service upon every other party to the appeal; and the registrar shall, within 7 days after receiving all the documents required to be supplied under this paragraph, send to each party a copy of the documents supplied by the other parties.

(3) If at the hearing of the appeal any party seeks to rely upon any valuation or other document which appears to the Tribunal not to have been sent to the registrar in accordance with this rule the Tribunal shall, unless it is satisfied that no prejudice to any other party will arise, adjourn the hearing on such terms as to costs or otherwise as it thinks fit.

PART III
OTHER APPEALS

Notice of appeal

12.—(1) Any appeal to the Lands Tribunal other than one to which Part I or Part II applies may be instituted within 21 days from the date of the decision appealed against by sending to the registrar a written notice of appeal in Form 3, together with a copy of the decision. The appellant shall at the same time inform the registrar of the names and addresses of the parties to the dispute in respect of which the decision was given and shall supply the registrar with sufficient copies of the notice of appeal for service upon each of those parties and upon the court, authority or person from whose decision the appeal is brought.

- (2) Upon receiving a notice of appeal, the registrar shall—
- (i) enter particulars of the appeal in the Register of Appeals;
 - (ii) serve a copy of the notice upon every party to the dispute (other than the appellant) and upon the court, authority or person from whose decision the appeal is brought;
 - (iii) inform the appellant and every person upon whom a copy of the notice of appeal has been served of the number of the appeal entered in the Register, which shall thereafter constitute the title of the appeal;
 - (iv) inform the appellant of the date on which copies of the notice of appeal were served.

Notice of intention to appear

13.—(1) Every party other than the appellant shall, if he intends to appear on the hearing of the appeal, give written notice of his intention, stating—

- (i) whether he intends to appear separately or jointly with some other person;
- (ii) the grounds on which he intends to rely;
- (iii) an address for service of notices and other documents upon him.

(2) The notice shall be given to the registrar and to the appellant within 21 days from the date of service of the copy of the notice of appeal.

Statement of case

14. Where notice of intention to appear has been given, the provisions of sub-paragraphs (i) and (ii) of rule 11(1) shall, if the registrar so directs, apply to the appeal.

PART IV

REFERENCES

Application of Part IV

15. This Part applies to any reference, that is to say, any question, dispute or case determinable by the Lands Tribunal other than one to which Part I, II, III, V or VI applies.

Notice of reference

16.—(1) Proceedings for the determination of a reference may be instituted by a person entitled under any enactment to do so, or (if there is no such person) by any person who wishes the reference to be determined, sending to the registrar a notice of reference in Form 4, 4A or 4B as may be appropriate, together with sufficient copies for service upon every other party to the proceedings.

(2) The notice of reference sent to the registrar shall be accompanied—

- (i) where the question is one of compensation payable on the compulsory acquisition of land, by a copy of the notice to treat (if such notice has been served) and of any notice of claim and any amendment thereof delivered to the acquiring authority in pursuance of section 4 of the Act of 1961;
- (ii) in any other case, by a copy of the order, direction, notice, decision, authorisation or other document in consequence of which proceedings for the determination of the reference are instituted.

(3) A notice of reference relating to the assessment of compensation on the compulsory acquisition of land shall not be given before the expiration of 28 days from the date of service or constructive service of the notice to treat or (where no notice to treat is served or is deemed to be served) of the notice of claim.

Entry of reference

17. Upon receiving a notice of reference the registrar shall enter particulars of the reference in the Register of References and shall send a copy of the notice to every party to the proceedings (other than the party instituting those proceedings) and shall inform the parties of the number of the reference, which shall thereafter constitute the title of the proceedings.

PART V

APPLICATIONS UNDER SECTION 84 OF THE LAW OF PROPERTY ACT 1925
(RELIEF FROM RESTRICTIVE COVENANTS AFFECTING LAND)*Interpretation*

18. In this Part, unless the context otherwise requires, “the section” means section 84 of the Law of Property Act 1925(a), and “restriction” means a restriction, arising under a covenant or otherwise, as to the user of or building on any freehold land or any leasehold land held for a term of more than 40 years of which at least 25 years have expired.

Method of making application

19.—(1) Any person interested in any land affected by a restriction who wishes to make an application under the section shall send to the registrar in duplicate an application, in Form 5, together with—

- (i) a copy of the instrument imposing the restriction or, if no such instrument is available, relevant documentary evidence of the restriction;
- (ii) a plan identifying the land to which the application relates and, so far as practicable, all the land subject to the restriction.

(2) An application may be made by two or more persons jointly whether the land in which they are interested is the same land or different parts of the land affected by the restriction.

Publication of notices

20.—(1) Upon receiving an application, the President shall determine what notices are to be given, whether by way of advertisement or otherwise, to persons who appear to be entitled to the benefit of the restriction and may for this purpose require the applicant to provide any documents or information which it is in his power to provide.

(2) The notices shall require persons claiming to be entitled to the benefit of the restriction, who object to the discharge or modification proposed by the application or who claim compensation for the discharge or modification, to send to the registrar and to the applicant, within such time, not being less than 14 days from the date of the notices, as may be specified, any objections that they may have to the application and a statement of the amount of any compensation claimed by them for the discharge or modification of the restriction.

(3) The applicant shall give such notices as may be directed by the President under the provisions of this rule and shall notify the registrar in writing that this has been done.

Notice of objection

21. An objection to the application and a claim for compensation shall be in Form 5A.

Suspension of proceedings

22. At any time after an objection to the application has been received by the registrar, the Tribunal of its own motion may, and on the application of the applicant or of any person who has given notice of objection shall, suspend the proceedings for such time as it may consider appropriate to enable an application to be made to the High Court for the determination of a question arising under subsection (2) of the section.

Order without hearing, etc.

23.—(1) If it appears to the President that, having regard to the applicant's interest in the land, the applicant is not a proper person to make the application, he may dismiss it without referring it to the Tribunal for decision and shall in that event inform the applicant of his reasons for doing so.

(2) Where before a hearing—

- (i) no notice of objection is received by the registrar within the time allowed, or
- (ii) all objectors have withdrawn their objections,

the President may, with the consent of the applicant, make an order within the terms of the application without any hearing.

(3) Where at or following a hearing—

- (i) all objectors have withdrawn their objections, or
- (ii) the Tribunal has directed that no objector shall be admitted to oppose the application,

the Tribunal may, with the consent of the applicant, make an order within the terms of the application without any further hearing.

Power to direct additional notices

24. If at the hearing of an application it appears to the Tribunal that any person who has not received notice of the application otherwise than by advertisement is a person to whom specific notice should be given, the Tribunal may require the applicant to give notice to that person and may adjourn the hearing for the purpose of enabling that person to make an objection or a claim for compensation.

Enquiries of local authorities

25. If either before or at the hearing of an application it appears to the President or to the Tribunal that it is expedient to make enquiries of any local authority within whose area the land affected by the restriction is situated, the President or the Tribunal may direct such enquiries to be made as he or it may think fit and may adjourn the case until the local authority's reply has been received.

Provisions as to orders

26.—(1) Where the discharge or modification of a restriction is ordered subject to the payment of any compensation awarded by the Tribunal, the order of the Tribunal shall not, so far as it affects the discharge or modification, come into operation until the registrar, by endorsement on the order, certifies that the compensation has been paid or satisfied.

(2) The Tribunal may direct that the compensation shall be paid or satisfied within a specified time and that, unless it is so paid or satisfied, the order shall cease to have effect on the expiration of the time so specified.

(3) The Tribunal may direct that any compensation awarded shall be paid into the Supreme Court.

PART VI

APPLICATIONS UNDER SECTION 2 OF THE RIGHTS OF LIGHT ACT 1959

Form of application

27. An application for a certificate of the Lands Tribunal under section 2 of the Rights of Light Act 1959^(a) shall be in Form 6 and shall be accompanied by two copies of the application which the applicant proposes to make to the local authority in whose area the dominant building is situated.

Publicity

28.—(1) Upon receiving an application, the President shall determine what notices are to be given, whether by way of advertisement or otherwise, to persons who appear to have an interest in the dominant building specified in the proposed application to the local authority and may for this purpose require the applicant to provide any documents or information which it is in his power to provide.

(2) The applicant shall notify the registrar in writing when he has given the notices directed to be given by the President, setting out full particulars of the steps taken by him.

Issue of temporary certificates

29.—(1) Where the Tribunal is satisfied that matters of exceptional urgency require the registration forthwith of a temporary notice in the register of local land charges, it shall issue a temporary certificate in Form 6A.

(2) The period of duration specified in the certificate shall not exceed 6 months.

Issue of definitive certificates

30. The Tribunal shall, upon being satisfied that the notices directed to be given by the President have been duly given, issue a certificate in Form 6B or, where a temporary certificate has been issued under rule 29, in Form 6C.

PART VII

GENERAL PROCEDURE

Selection of members of Tribunal

31.—(1) The President may at any time substitute another member of the Lands Tribunal for a member previously selected by him as the Tribunal, or as a member of the Tribunal, to hear a case, and where members of the Lands Tribunal have been selected for a class or group of cases under the provisions of section 3(2) of the Act, the President may from time to time vary the members so selected.

(2) Where the President has appointed any member of the Lands Tribunal to be the chairman of any members selected as aforesaid, the chairman may exercise the like power of substituting one member for another previously selected as the Tribunal, or as a member of the Tribunal, to hear a case in that class or group of cases.

Sittings of Tribunal

32.—(1) The Tribunal shall sit at such places in England and Wales as the President may from time to time determine.

(2) The registrar shall send to each party to proceedings before the Tribunal a notice informing him of the place and date of the hearing which, unless the parties otherwise agree, shall not be earlier than 14 days after the date on which the notice is sent.

(3) Upon receiving notice of intention to appear from a person who is not already a party to the proceedings, the registrar shall send to that person a notice informing him of the place and date of the hearing.

(4) Any person to whom notice has been sent under paragraph (2) or (3) above may apply to the registrar in accordance with the provisions of rule 45 for an alteration of the place or date of the hearing.

Tribunal to sit in public

33. The Tribunal shall sit in public except where it is acting as arbitrator under a reference by consent.

View of land

34.—(1) Subject to the provisions of paragraph (2) below, the Tribunal may inspect the land or hereditament which is the subject of the proceedings and may, if it thinks fit, enter on the land or hereditament for that purpose.

(2) When the Tribunal intends to enter on any premises in pursuance of paragraph (1) above, it shall give notice to the parties of that intention and the parties shall be entitled to attend the inspection.

(3) The provisions of this rule shall apply, so far as practicable, to any comparable land or hereditament to which the attention of the Tribunal is directed as they apply to the land or hereditament which is the subject of the proceedings.

Assessors

35.—(1) If it appears to the President that any case coming before the Tribunal calls for special knowledge and that it would be desirable for the Tribunal to sit with assessors, he may direct that the Tribunal shall hear the case with the aid of an assessor or assessors appointed by him after any consultations he may think fit.

(2) The remuneration to be paid to any assessor appointed under this rule shall be such as the President may, with the approval of the Minister for the Civil Service, determine.

Proceedings to be consolidated or heard together

36.—(1) Where more than one notice of appeal has been given in respect of the same land or hereditament, an application to the registrar in accordance with the provisions of rule 45 for an order that the appeals be consolidated may be made by any party to the appeals.

(2) Where two or more notices of appeal have been given in respect of different lands or hereditaments raising the same issues, or where two or more notices of reference have been given in respect of several interests in the same subject in dispute, an application may be made by any party to the proceedings that the appeals, or as the case may be the references, be heard together.

(3) Where any such notices of appeal or notices of reference as are referred to in paragraph (1) or (2) above have been given, the President or the Tribunal may, without any application in that behalf, order that the appeals or references be consolidated or heard together.

(4) An order may be made with respect to some only of the matters to which the notices of appeal or notices of reference relate.

Power to select test case in appeals from local valuation courts

37. Where two or more appeals against the decision of a local valuation court appear to the President to involve the same issues, he may, with the written consent of all parties to the appeals, direct that one appeal, to be selected by him, shall be heard in the first instance as a test case and that the parties to each appeal shall, without prejudice to their right to require the Tribunal to state a case for the decision of the Court of Appeal, be bound by the decision of the Tribunal on the appeal so selected.

Application of Arbitration Act 1950

38. Sections 12, 14, 17, 18(5), 20 (subject to any enactment which prescribes a rate of interest) and 26 of the Arbitration Act 1950^(a) shall apply to all proceedings as they apply to an arbitration unless a contrary intention is expressed in the arbitration agreement, and, where the Tribunal is acting as arbitrator under a reference by consent, sections 1, 2, 3, 4(1), 5, 18(3) and (4), 24(2) and (3) and 27 of the Arbitration Act 1950 shall also apply.

Evidence

39.—(1) Evidence before the Tribunal may be given orally or, if the parties to the proceedings consent or the President or the Tribunal so orders, by affidavit, but the Tribunal may at any stage of the proceedings make an order requiring the personal attendance of any deponent for examination and cross-examination.

(2) The provisions of paragraphs (2) to (6) of rule 45 shall apply to an application to the President for leave to give evidence by affidavit, with the substitution of references to the President for references to the registrar.

(3) Nothing in the Civil Evidence Act 1972^(b), or in rules of court made under it, shall prevent expert evidence from being adduced before the Tribunal

^(a) 1950 c. 27.

^(b) 1972 c. 30.

by any party notwithstanding that no application has been made to the Tribunal for a direction as to the disclosure of that evidence to any other party to the proceedings.

Disclosure of documents

40. A party to proceedings shall deliver to the registrar on his request any document or other information which the Tribunal may require and which it is in the power of that party to deliver and shall afford to every other party to the proceedings an opportunity to inspect those documents (or copies of them) and to take copies:

Provided that nothing in this rule shall be deemed to require any information to be disclosed contrary to the public interest.

Failure to supply documents

41. If it appears to the Tribunal that any party to proceedings has failed to send a copy of any document required under these Rules to be sent to any other party or to the registrar, the Tribunal may direct that a copy of the document shall be sent as may be necessary and that the further hearing of the proceedings be adjourned, and may in any such case require the party at fault to pay any additional costs occasioned thereby.

Expert witnesses

42.—(1) This rule applies to any proceedings except appeals from decisions of local valuation courts under Part II and applications for certificates under Part VI.

(2) Not more than one expert witness on either side shall be heard unless otherwise ordered:

Provided that, where the proceedings include a claim for compensation in respect of minerals or disturbance of business, as well as in respect of land, one additional expert witness on either side on the value of the minerals or, as the case may be, on the damage suffered by reason of the disturbance may be heard.

(3) An application for leave to call more than one, or more than one additional, expert witness may be made to the registrar in accordance with the provisions of rule 45 or to the Tribunal at the hearing.

(4) Where more than one party intends to call an expert witness, every such party shall, within 28 days after being so requested by the registrar, send to the registrar a copy of each of the following documents relating to the evidence to be given by the expert witness, together with sufficient copies for service upon the other parties—

- (i) every plan and valuation of the land or hereditament which is the subject of the proceedings (including particulars and computations in support of the valuation) which it is proposed to put in evidence;
- (ii) either a statement of any prices, costs or other particulars and any plans relating to a property or properties other than that land or hereditament which are proposed to be given in evidence in support of the valuation, or a statement that no such prices, costs, particulars or plans will be relied upon.

(5) The registrar shall, within 7 days after receiving all the documents required to be supplied by the parties under paragraph (4) above, send to each party copies of the documents supplied by the other party.

(6) If an application for leave to call more than one, or more than one additional, expert witness is made at the hearing and is granted by the Tribunal, or if at the hearing any party seeks to rely upon any plans, valuations or particulars which appear to the Tribunal not to have been sent to the registrar in accordance with this rule, the Tribunal shall, unless it is satisfied that no prejudice to any other party will arise, adjourn the hearing on such terms as to costs or otherwise as it thinks fit.

Appellant limited to grounds of appeal

43. On the hearing of an appeal under Part I, II or III or of an application under Part V, the appellant or applicant shall not be entitled to rely upon any grounds not stated in his notice of appeal, statement of case or application unless the Tribunal thinks it just in all the circumstances, and on such terms as to costs or adjournment or otherwise as it may think fit, to allow such additional grounds to be put forward as may appear to the Tribunal to be material.

Right of audience

44. In any proceedings, a party may appear and be heard in person, by counsel or solicitor, or, on obtaining leave of the Tribunal (or of the President or the registrar in the case of an interlocutory application), by any other person.

Interlocutory applications

45.—(1) Except where these Rules otherwise provide, an application for directions of an interlocutory nature in connection with any proceedings shall, unless otherwise ordered by the President, be made to the registrar.

(2) The application shall be made in writing and shall state the title of the proceedings and the grounds upon which the application is made.

(3) If the application is made with the consent of all parties it shall be accompanied by consents signed by or on behalf of the parties.

(4) If the application is not made with the consent of every party, then, before it is made, a copy shall be served on every other party and the application shall state that this has been done.

(5) A party who objects to the application may, within 7 days after service of a copy on him, send written notice of objection to the registrar and to the applicant, and before making an order on the application the registrar shall consider all the objections which he has received and, if any party wishes to appear before him, the registrar shall give him and every other party an opportunity to do so.

(6) In dealing with an application under this rule, the registrar shall have regard to the convenience of the parties and the desirability of limiting so far as practicable the costs of the proceedings and shall communicate his decision in writing to every party.

(7) The registrar may, and shall if so required by the applicant or by a party objecting to an application under this rule, refer the application to the President for decision.

(8) A party aggrieved by a decision of the registrar on an application under this rule may appeal to the President by giving notice in writing to the registrar and to every other party within 7 days after service on him of notice of the decision or within such further time as may be allowed by the registrar, but an appeal from a decision of the registrar shall not act as a stay of proceedings unless so ordered by the President.

(9) Where an application under this rule is made—

- (i) as respects a case which has been included by the President in a class or group of cases under the provisions of section 3(2) of the Act, or
- (ii) as respects a case for which a member or members of the Lands Tribunal has or have been selected,

the powers and duties of the President under this rule may be exercised and discharged in relation to the application by any member or members of the Lands Tribunal authorised by the President in that behalf.

Certificates of value

46. An application for a certificate of value under section 35 of the Act of 1961 shall be made in writing to the registrar, and the party by whom the application is made shall provide the registrar on his request with such information as may be required to enable the certificate to be given.

Administration of oaths

47. The registrar shall have power to administer oaths and take affirmations for the purpose of affidavits to be used in proceedings.

Extension of time

48.—(1) Subject to the provisions of paragraph (2) below, the time appointed by or under these Rules for doing any act or taking any steps in connection with any proceedings (not being the time appointed for appealing against the decision of a local valuation court) may be extended, on an application to the registrar in accordance with the provisions of rule 45, upon such terms (if any) as the justice of the case may require, and an extension may be ordered although the application is not made until after the expiration of the time appointed.

(2) The times appointed by rule 11(1) for sending a statement of case and reply and the time appointed by rule 42(4) for sending copies of documents to the registrar may, by consent of the parties and on written notification sent to the registrar and received by him before the expiration of the time appointed by these Rules or fixed by a previous extension by consent, be extended for a period not exceeding 2 months on each notification and 4 months in the aggregate.

Preliminary point of law

49.—(1) The President may, on the application of any party to proceedings, order any point of law which appears to be in issue in the proceedings to be disposed of at a preliminary hearing before a member or members of the Lands Tribunal selected by the President for that purpose; and if, in the opinion of the member or members, the decision on the point of law substantially disposes of the proceedings, he or they may order that the argument shall be treated as the hearing of the case or may make such other order as may be just.

(2) The provisions of paragraphs (2) to (6) of rule 45 shall apply to an application under this rule with the substitution of references to the President for references to the registrar.

Sealed offers

50.—(1) An unconditional offer of any sum, or of readiness to accept any sum, as compensation shall not be disclosed to the Tribunal until it has decided the amount of compensation to be awarded to the party to or by whom the offer was made, but a copy of the offer enclosed in a sealed cover may be sent to the registrar or delivered to the Tribunal at the hearing by the party who made the offer and shall be opened by the Tribunal after it has decided the amount of the compensation.

(2) Where the proceedings relate to the price payable on the acquisition of a freehold property or the rent to be paid under an extended lease in accordance with the provisions of the Leasehold Reform Act 1967(a) and that price or rent is or has become the only issue in the proceedings, the provisions of paragraph (1) above shall apply to an unconditional offer of readiness to agree to a specified price or rent.

Withdrawal of appeal, dismissal of appeal etc., before hearing

51.—(1) An appeal, reference or application may be withdrawn by sending to the registrar a written notice of withdrawal signed by all parties to the proceedings or by their solicitors or agents.

(2) An appellant or applicant may, at any time before the hearing of the proceedings, apply to the President for an order to dismiss the proceedings, and the President may thereupon make such order as may be just.

(3) The provisions of paragraphs (2), (4), (5) and (6) of rule 45 shall apply to an application under paragraph (2) above with the substitution of references to the President for references to the registrar.

(4) Where any party has failed to pursue any proceedings with due diligence or has failed to comply with any of these Rules, the registrar may, after giving the parties an opportunity to be heard, make an order that the proceedings be heard by the Tribunal or make such other order as may be appropriate for the purpose of expediting or disposing of the proceedings.

(5) The provisions of rule 45(8) shall apply to any order made by the registrar under paragraph (4) above.

(a) 1967 c. 88.

Procedure at hearing

52.—(1) Unless the Tribunal otherwise directs—

- (i) on an appeal under Part I, II or III, the appellant shall begin;
- (ii) on a reference under Part IV, a party claiming compensation or a party to whom any rent or rentcharge requiring to be apportioned is payable shall begin and, in any other case, the party by whom the proceedings were instituted shall begin;
- (iii) on an application under Part V or VI, the applicant shall begin.

(2) Subject to the provisions of these Rules and to any direction given by the President, the procedure at the hearing of any proceedings shall be such as the Tribunal may direct.

Default of appearance at hearing

53. If on an appeal under Part I, II or III or on an application under Part V the appellant or applicant does not appear at the time and place appointed for the hearing, the Tribunal may dismiss the appeal or application and, if any other party to those proceedings or any party to a reference under Part IV does not appear at the time and place appointed, the Tribunal may hear and determine the appeal, application or reference in his absence and may make such order as to costs as it thinks fit:

Provided that, where proceedings have been dismissed or determined under this rule in the absence of a party, the Tribunal may, on an application made by that party within 7 days of the dismissal or determination, if it is satisfied that he had sufficient reason for his absence, set aside the dismissal or determination on such terms as to costs or otherwise as it thinks fit.

Decision of Tribunal

54.—(1) The decision of the Tribunal on an appeal, reference or application shall be given in writing, together with a statement of the Tribunal's reasons for its decision:

Provided that the Tribunal may give its decision and its reasons orally in cases where it is satisfied that no injustice or inconvenience to the parties would be occasioned by its doing so.

(2) On an appeal against the decision of a local valuation court, the Tribunal shall—

- (i) if the appeal is a rating appeal, give such directions with respect to the manner in which the hereditament in question is to be treated in the valuation list as appear to the Tribunal to be necessary to give effect to the contention of the appellant, if and so far as that contention appears to the Tribunal to be well founded;
- (ii) if the appeal is a drainage rates appeal, quash the determination to which the appeal relates, alter the determination in such manner as the Tribunal thinks just or dismiss the appeal.

(3) Where an amount awarded or value determined by the Tribunal is dependent upon the decision of the Tribunal on a question of law which is in dispute in the proceedings, the Tribunal shall ascertain, and shall state in its decision, the alternative amount or value (if any) which it would have awarded or determined if it had decided otherwise on the question of law.

(4) The registrar shall send a copy of the decision (or, where the decision was given orally, a statement of its effect) to every party who has appeared before the Tribunal, and—

- (i) in the case of an appeal against the decision of a local valuation court, to the clerk of the local valuation panel from which that court was constituted and, if the appeal is a rating appeal, to the valuation officer;
- (ii) in the case of an appeal under Part III, to the court, authority or person from whose decision the appeal was brought.

(5) If any directions are given by the Court of Appeal for the amendment of any decision of the Tribunal on which a case has been stated for the decision of the Court of Appeal, the amendments shall be made by the Tribunal accordingly and the registrar shall send copies of the amended decision to every person who was notified of the original decision in accordance with paragraph (4) above.

Consent orders

55. Where the parties to any proceedings have agreed upon the terms of any order to be made by the Tribunal, particulars of the terms, signed by all the parties or by their solicitors or agents, shall be sent to the registrar, and an order may be made by the Tribunal in accordance with those terms in the absence of the parties.

Costs

56.—(1) Except in cases to which the provisions of subsection (1), (2) or (3) of section 4 of the Act of 1961 apply, the costs of and incidental to any proceedings shall be in the discretion of the Tribunal.

(2) If the Tribunal directs that the costs of a party to the proceedings shall be paid by any other party, the Tribunal may settle the amount of the costs by fixing a lump sum, or it may direct that the costs shall be taxed by the registrar on a scale specified by the Tribunal, being a scale of costs prescribed by the Rules of the Supreme Court or by the County Court Rules.

(3) Any party dissatisfied with a taxation of costs directed by the Tribunal may, within 7 days of the taxation, serve on any other interested party and on the registrar objection in writing specifying the items objected to and the grounds of objection and applying for the taxation to be reviewed in respect of those items.

(4) Upon such application, the registrar shall review the taxation of the items objected to and shall state in writing the reasons for his decision thereon.

(5) Any party dissatisfied with a decision of the registrar under paragraph (4) above may, within 10 days of the decision, apply to the President to review the taxation, and the President may thereupon make such order as he thinks just, including an order as to the payment of the costs of the review, but otherwise the taxation shall be final in respect of all matters to which objection has not been taken.

Service of notices

57.—(1) Any notice or other document required or authorised to be served on any person for the purpose of these Rules shall be deemed to have been duly served if sent by pre-paid post to that person at his ordinary address or to his address for service specified in any notice given under these Rules; and any notice or other document required or authorised to be sent to the registrar shall be sent to him at the office.

(2) Any application or communication to be made to the President or to any member of the Lands Tribunal in respect of any case shall be addressed to the registrar at the office.

Change of address

58. A party to any proceedings may at any time by notice in writing to the registrar and to every other party to those proceedings change his address for service under these Rules.

Substituted service

59. If any person to whom any notice or other document is required to be sent for the purpose of these Rules cannot be found, or has died and has no personal representative, or is out of the United Kingdom, or if for any other reason service upon him cannot be readily effected in accordance with these Rules, the President or the Tribunal may dispense with service upon that person or may make an order for substituted service upon such other person or in such other form (whether by advertisement in a newspaper or otherwise) as the President or the Tribunal may think fit.

Failure to comply with Rules

60. Any failure on the part of any person to comply with the provisions of these Rules shall not render the proceedings or anything done in pursuance thereof invalid, unless the President or the Tribunal so directs.

Fees

61.—(1) The fees to be taken in respect of proceedings shall be those specified in Schedule 2.

(2) Fees shall be paid by cheque or postal order, drawn in favour of Her Majesty's Paymaster-General, or otherwise in cash, and in accordance with the directions contained in Schedule 2.

(3) The hearing fee shall, unless the Tribunal otherwise directs, be payable by the party by whom the proceedings were instituted (without prejudice to his right to recover the amount of the fee from any other party by virtue of any order as to costs) on receipt of notification from the registrar.

Transitional provisions, repeals, etc.

62.—(1) These Rules shall apply to proceedings commenced before the date on which they come into operation as well as to proceedings commenced on or after that date.

(2) The Lands Tribunal Rules 1963(a), the Lands Tribunal (Amendment) Rules 1968(b), the Lands Tribunal (Amendment) Rules 1970(c) and the Lands Tribunal (Amendment No. 2) Rules 1970(d) are hereby revoked.

Dated 27th February 1975.

Elwyn-Jones, C.

We approve the fees prescribed by these Rules in respect of proceedings before the Lands Tribunal.

Dated 28th February 1975.

M. Cocks,
J. Dormand,
Two of the Lords Commissioners
of Her Majesty's Treasury.

(a) S.I. 1963/483 (1963 I, p. 532).
(c) S.I. 1970/858 (1970 II, p. 2724).

(b) S.I. 1968/1700 (1968 III, p. 4592).
(d) S.I. 1970/1850 (1970 III, p. 6015).

SCHEDULE 1

Rule 2(4)

FORMS

FORM 1

Rule 3(2)

*Notice of Appeal against Determination of a question under section 156
[or, as the case may be, section 145, 162, 166 or 167] of the Town and
Country Planning Act 1971*

To:—The Registrar,
Lands Tribunal.

To be copied from the determination. Description of land.....
.....

Strike out words not applicable. Secretary of State's reference number.....
or
Acquiring Authority's } name, address
Local Planning Authority's } and
reference number.....

Date of notice of determination.....

Here state usual address. I/We
of
being (a) person(s) having a right of appeal under [*here state the section of the Town and Country Planning Act giving the right of appeal*] hereby give notice of appeal against the above-mentioned determination.

Here state briefly the grounds of the appeal. I/We dispute the findings [*or an apportionment included in the findings*] [*or as the case may be*] on the following grounds.....
.....

Strike out words not applicable. I/We do/do not propose to call an expert witness to give evidence.
All communications regarding the appeal should be addressed to me/us at the address shown above [*or to my/our solicitor/agent*].....
of.....].

Dated..... Signed.....

Note:—This Notice of appeal must be sent to the registrar in duplicate, together with a copy of the determination appealed against (if available).

FORM 1A

Notice of appeal against Determination by Commissioners of Inland Revenue under Finance (1909-10) Act 1910

Rule 3(3)

To:—The Registrar, Lands Tribunal.

Description of land.....

To be copied from Inland Revenue's determination.

Inland Revenue's reference number.....

Date of determination.....

I/We

of hereby give notice of appeal against [here insert particulars of the matter appealed against, e.g., "the assessment of mineral rights duty under Part I of the Finance (1909-10) Act 1910" or "the refusal of the Commissioners of Inland Revenue to make an allowance in respect of....." or "the determination of the Commissioners of Inland Revenue that....."]

Here state usual address.

The grounds of appeal are that.....

Here state briefly the grounds of the appeal.

I/We claim that the amount of the duty [or the value of the said property] should be £.....

Strike out if not applicable.

I/We do/do not propose to call an expert witness to give evidence.

Strike out words not applicable.

All communications regarding the appeal should be addressed to me/us at the address shown above [or to my/our solicitor/agent.....

Strike out words not applicable.

of].

Dated.....

Signed.....

Note:—This notice of appeal must be sent to the registrar in duplicate, together with a copy of the determination appealed against (if available).

FORM 2

Rule 9(1) *Notice of Appeal against Decision of Local Valuation Court*

To:—The Registrar,
Lands Tribunal.

To be copied from decision of local valuation court. Description of hereditament (for a rating appeal) [*or* land (for a drainage rates appeal)].....

Here state usual address. I/We
of
hereby give notice of appeal against the decision of the local valuation court

Here insert place and date of decision of local valuation court. sitting at.....
which was given on the.....day of.....19
in respect of the hereditament [*or* land] described above.

Here state briefly the grounds of the appeal. The grounds of appeal are that.....
.....

Strike out words not applicable. I/We do/do not propose to call (an) expert witness(es) to give evidence.

All communications regarding the appeal should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent.....
of.....].

Dated..... Signed.....

Notes:—

(1) *Unless an informal notice has been accepted by the registrar, this notice of appeal must be sent to him within 28 days from the date of the decision of the local valuation court.*

(2) *The following documents should be sent with the notice:—*

- (a) *a copy of the decision of the local valuation court;*
- (b) *a copy of the proposal or determination which was the subject of the proceedings before the local valuation court;*
- (c) *a list of the names and addresses of every person who appeared as a party to the local valuation court proceedings; and*
- (d) *sufficient copies of the notice for service by the registrar upon the valuation officer (if the appeal is a rating appeal) and every other person referred to in paragraph (c) above.*

FORM 3

Notice of Appeal (General)

Rule 12(1)

To:—The Registrar,
Lands Tribunal.

Description of land.....
.....

To be copied
from
decision.

Enactment under which appeal lies.....

Here state
Act and
section.

I/We
of

Here state
usual
address.

hereby give notice of appeal against the decision of.....

Here insert
particulars
of decision.

given at.....on the.....

day of.....19 in respect of the land described above.

The grounds of appeal are that.....

Here state
briefly the
grounds of
appeal.

All communications regarding the appeal should be addressed to me/us at the
address shown above [*or to my/our solicitor/agent*.....
of.....].

Strike out
words not
applicable.

Dated.....

Signed

Note:—The following documents must be sent to the registrar with the notice of appeal—

(1) a copy of the decision appealed against;

(2) a list of the names and addresses of every party to the dispute in respect of which the decision was given; and

(3) sufficient copies of the notice for service by the registrar upon the court, authority or person from whose decision the appeal is brought and upon every party referred to in paragraph (2) above.

FORM 4

Rule 16(1)

*Notice of Reference (General)*To:—The Registrar,
Lands Tribunal.Description of land, hereditament or other property to which this
reference relates.....Here state
usual address.I/We
ofStrike out
words not
applicable.[being (a) person(s) claiming compensation in respect of the land or property
described above, *or* claiming apportionment of the rent payable in respect of the
land or property described above]*or*
[being the authority liable for the payment of compensation (if any) in respect
of the land or property described above]*or*
[being (a) part(y)(ies) to an agreement under which the Lands Tribunal is to act as
arbitrator]hereby apply for the determination by the Lands Tribunal of the question of
which particulars are set out below.All communications regarding this reference should be addressed to me/us
at the address shown above [*or* to my/our solicitor/agent.....]
..... of

Particulars

[Name and address of compensating authority.....]
.....].[Name(s) and address(es) of claimant(s).....]
.....].*or*
[Names and addresses of parties to arbitration agreement.....]
.....].Nature of question, dispute or case to be determined by the Lands Tribunal
.....Here state
Act and
section.Enactment(s) conferring jurisdiction on the Lands Tribunal.....
.....Strike out
if not
applicable.Nature of compensation claimed.....
.....Estate or interest in respect of which compensation is claimed.....
.....Where compensation is claimed for compulsory purchase, whether the acquiring
authority has entered upon the land or possession has been given to the authority
.....

If so, on what date.....

Whether the part(y)(ies) by whom this notice is signed propose(s) to call an expert
witness to give evidence.....

Dated.....

Signed.....

Notes:—(1) *Sufficient copies of the notice of reference should be sent to the registrar to enable
him to serve one copy on every other party to the proceedings.*(2) *Where the reference relates to the compensation payable on a compulsory acquisition
of land, a copy of the notice to treat (if such notice has been served) and of any notice of
claim or amended notice of claim delivered to the acquiring authority **must** be sent to
the registrar with the notice of reference.*(3) *Where the reference relates to any other disputed compensation, a copy of the order,
direction, notice, decision, authorisation or other document in consequence of which pro-
ceedings for the determination of the reference are instituted **must** be sent to the registrar
with the notice of reference.*(4) *Where the reference is made in pursuance of an agreement to refer any matter
to arbitration, a copy of the agreement **must** be sent to the registrar with the notice of
reference. Such a notice should be signed by all parties to the dispute or accompanied by
their written consents.*

FORM 4A

*Notice of Reference (Disputes in respect of Purchase Notices
or Counter-Notices)*

Rule 16(1)

To:—The Registrar,
Lands Tribunal.Description of land, hereditament or other property to which this
reference relates.....
.....I/We..... of Here state
..... usual
..... address.being entitled as.....to.....in the Here state
land or property described above hereby apply for the determination by the nature of
Lands Tribunal of the question of which particulars are set out below. interest.All communications regarding this reference should be addressed to me/us
at the address shown above [*or* to my/our solicitor/agent.....
of].

Particulars

The question which the Lands Tribunal is requested to determine is whether
the objection by the.....dated the.....day of.....19... State name(s)
under section.....of the.....Act and
.....to the Purchase Notice [*or* Counter-Notice], served address(es)
by me/us [*or* on my/our behalf] on the.....under section of objecting
.....of the said Act, in respect of the above-mentioned land or authority and
property, is well founded [*or* justified]. served.Whether the claimant(s) propose(s) to call an expert witness to give evidence
.....

Dated..... Signed

Notes:—

- (1) *This notice of reference must be sent to the registrar in duplicate.*
- (2) *A copy of the Purchase Notice [*or* Counter-Notice] served on the authority and a copy of any notice of objection served by the authority must accompany this notice of reference.*

FORM 4B

Rule 16(1)

*Notice of Reference (Disputes for determination under the Leasehold Reform Act 1967)*To:—The Registrar,
Lands Tribunal.Description of land, hereditament or other property to which this
reference relates.....I/We
ofStrike out
words not
applicable.[being (a) part(y)(ies) to a dispute as to the price payable on the acquisition of the
freehold of the property described above]

or

[being (a) part(y)(ies) to a dispute as to the rent to be paid under an extended lease
of the property described above]

or

[being (a) part(y)(ies) to a dispute as to the compensation to be paid by the land-
lord on resuming possession of the property described above]hereby apply for the determination by the Lands Tribunal of the question of
which particulars are set out below.All communications regarding this reference should be addressed to me/us
at the address shown above [or to my/our solicitor/agent.....].
of

Particulars

[Names and addresses of the landlord and the tenant of the property described
above, and of every other person known to have a proprietary interest in the
property which may be affected by the dispute.....].Nature of question and provisions of the Leasehold Reform Act 1967 under
which reference is made.....Estate or interest in respect of which [compensation], [price] or [revised rent] is in
disputeAmount of [compensation], [price] or [revised rent] claimed to be appropriate
.....Strike out
words not
applicable.I/We also hereby apply to the Lands Tribunal for the determination of the
following matter(s) relating to the property described above under section 21(2)
of the Leasehold Reform Act 1967 (*determination of provisions in conveyance or
lease, apportionment of rent or determination of sub-tenant's share in compensation*)
.....Whether the part(y)(ies) by whom this notice is signed propose(s) to call an expert
witness to give evidence.....

Dated.....

Signed.....

Notes:—

(1) *Sufficient copies of the notice of reference should be sent to the registrar to enable
him to serve one copy on every other party to the proceedings.*(2) *A copy of the notice of leaseholder's claim must be sent with the notice of reference.
Where the landlord has admitted the tenant's right or the county court has made an order
declaring that right, a copy of the admission or order should accompany the notice of
reference.*(3) *Where the reference relates to a matter referred to the Lands Tribunal by agreement
under section 21(2) of the Act, appropriate deletions should be made in the Form and a
copy of the agreement must be sent to the registrar with the notice of reference.*

FORM 5

Application for Discharge or Modification of Restrictive Covenant under section 84 of the Law of Property Act 1925

Rule 19(1)

To:—The Registrar, Lands Tribunal.

1. I/We Here state usual address. If there is more than one applicant, these particulars should be completed for each applicant.
of
being entitled to (here state nature of interest).....
in (here describe land in which applicant is entitled to an interest).....
which land (shown edged on the plan accompanying/annexed to this application) is subject to a restriction of which particulars are set out in paragraph 2 below, hereby apply for an order that the restriction may be discharged wholly [or to the extent of (here state extent of discharge applied for)] Strike out words not applicable.
[or may be modified by (here state nature of modification applied for).....]
[If the above-mentioned restriction is discharged [or modified] I/We agree that a further restriction may be imposed on the subject land in the following terms
.....]
.....]

2. PARTICULARS OF RESTRICTION

Nature of restriction.....
Land affected by the restriction.....
Whether freehold land, or leasehold held for a term of more than 40 years whereof 25 years have expired.....
Manner and date of imposition of restriction.....
Nature and amount (if any) of consideration paid for the restriction at the time when it was imposed.....
Persons entitled to the benefit of the restriction (here state names and addresses of such persons and the nature of their interests).....

3. The grounds of this application are that the application falls within paragraph(s).....(here specify (a), (aa), (b) or (c) as appropriate) of subsection (1) of section 84.

4. PARTICULARS OF APPLICATION

Strike out
inapplicable
entries.

[*Application within paragraph (I)(a)*]. The following are brief particulars of the changes in the character of the property or the neighbourhood or other circumstances relied on.....
.....
.....].

[*Application within paragraph (I)(aa)*].

(i) The reasonable user(s) of the land which would be impeded by the continued existence of the covenant is (are).....
.....

[(ii) The restriction in impeding reasonable user(s) does not secure to persons entitled to the benefit of it any practical benefits of substantial value or advantage to them]

[(iii) The restriction is contrary to the public interest because.....
.....].

[*Application within paragraph (I)(b)*]. Brief particulars of the facts relied on to prove the express or implied agreement are.....
.....]

[*Application within paragraph (I)(c)*]. The discharge or modification of the restriction will not injure any person entitled to the benefit of it, because.....
.....].

5. PLANNING FACTORS

Strike out
inapplicable
entries.

[(i) The following planning permissions have been granted or refused in relation to the property during the last 5 years.....
.....].

[(ii) The following provisions in the relevant development plan directly affect the property.....
.....].

[(iii) The following are brief particulars of a declared or ascertainable pattern for the grant or refusal of planning permission in the relevant area].

All communications regarding this application should be addressed to me/us at the address shown above [or to my/our solicitor/agent.....
of].

Dated.....

Signed.....

Notes:—

(1) This application must be sent to the registrar in duplicate together with a plan identifying the land to which the application relates and, so far as practicable, all the land subject to the restriction.

(2) A copy of the instrument imposing the restriction or, if no such instrument is available, relevant documentary evidence of the restriction (e.g., in the case of registered land an entry in the Register of Title) must accompany the application.

FORM 5A

Objection to Application for Discharge or Modification of Restrictive Covenant under section 84 of the Law of Property Act 1925

Rule 21

To:—The Registrar, Lands Tribunal.

In the matter of an application made by..... under section 84 of the Law of Property Act 1925.

Here insert name(s) of applicant(s).

I/We of hereby object to the said application.

Here state usual address.

I/We claim to be entitled to the benefit of the restriction to which the application relates by virtue of (here state brief details of the instrument or other legal ground upon which the objector(s) rel(ies)(y) in claiming entitlement to the benefit of the restriction)

Particulars of the grounds of objection are:—(here state briefly the grounds of objection).....

[I/We accept the following particulars stated in paragraph 4 of the application:—

Strike out words not applicable.

or

[The particulars given in paragraph 4 of the application are inaccurate or insufficient in the following respects:—(here give corrected or further particulars)

[I/We accept the particulars of the planning factors stated in paragraph 5 of the application]

or

[The particulars given in paragraph 5 of the application are inaccurate or insufficient in the following respects:—(here give corrected or further particulars).....]

In the event of the said restriction being discharged or modified, I/We claim the sum of £.....to make up for any loss or disadvantage suffered by me/us in consequence of the discharge or modification [or (state other grounds)

The sum claimed is arrived at as follows:— (here give particulars of loss or disadvantage suffered and of quantification of compensation claimed).....

All communications regarding this objection should be addressed to me/us at the address shown above [or to my/our solicitor/agent..... of

Dated..... Signed

Note:—Those entitled to object are reminded that if their property is mortgaged it may under the terms of the mortgage be incumbent on them to inform the mortgagee of the application.

FORM 6

Rule 27. *Application for Certificate under section 2 of the Rights of Light Act 1959*

To:—The Registrar,
Lands Tribunal.

I/We
of
being [owner(s)] [tenant(s) for a term of years certain expiring in 19]
[mortgagee(s) in possession] of (*here describe the servient land*).....
.....apply to the Lands Tribunal for the issue of a certificate
that adequate publicity has been given to my/our proposed application for the
registration in the register of local land charges of the.....
Council of a notice under section 2 of the Rights of Light Act 1959.

Strike out
words not
applicable.

I/We attach two copies of the proposed application.

[I/We also apply for the issue of a certificate authorising the registration
forthwith of the proposed notice as a temporary notice. The case is one of exceptional
urgency because (*here insert reasons*).....].

Application
for temp-
orary certi-
ficate. Strike
out if not
applicable.

To the best of my/our knowledge persons likely to be affected by the registra-
tion of the notice are (*here insert names and addresses of all persons in occupation
of the dominant building or having a proprietary interest in it*).....
.....

All communications regarding this application should be addressed to me/us
at the address shown above [*or to my/our solicitor/agent*].....
of.....].

Dated..... Signed.....

FORM 6A

Rule 29. *Temporary Certificate for Registration of a Notice under section 2
of the Rights of Light Act 1959*

I hereby certify that for reasons of exceptional urgency a temporary notice
may be registered by (*name of applicant*).....
forthwith against the building specified in the attached Form of Application for
the registration of a notice under section 2 of the Rights of Light Act 1959.

A notice registered under the said application shall not have effect after the
effluxion of.....months from the date of registration unless
before the expiration of that period a further certificate of this Tribunal has been
lodged with the registering authority stating that due publicity has been given
to the proposed registration.

Dated..... Signed.....

Registrar
Lands Tribunal

FORM 6B

Certificate for Registration of a Notice under section 2 of the Rights of Light Act 1959 Rule 30.

I certify that adequate notice of the proposed application by (*name of applicant*)
a copy of which is attached to this certificate, to register a notice under section 2 of the Rights of Light Act 1959 against the building specified in the application has been given to all persons who, in the circumstances existing at the present time, appear to the Lands Tribunal to be persons likely to be affected by the registration of such a notice.

Dated

Signed.....

Registrar
Lands Tribunal

FORM 6C

Certificate for Registration of a Notice under section 2 of the Rights of Light Act 1959 following Registration of a Temporary Notice Rule 30.

I certify that adequate notice of the application by (*name of applicant*)
to register a notice under section 2 of the Rights of Light Act 1959 against (*description of dominant building as specified in the application*).....
has been given to all persons who, in the circumstances existing at the present time, appear to the Lands Tribunal to be persons likely to be affected by the registration of such a notice.

A temporary certificate authorising the registration of a temporary notice was issued by the Lands Tribunal on.....19.....

Dated

Signed.....

Registrar
Lands Tribunal

SCHEDULE 2

Rule 61

FEES

<i>Item</i>	<i>Fee</i>
	£
<i>Notices of appeal and reference, and applications</i> ...	
1. On a notice of appeal under Part I or Part III of these Rules (not being an appeal against a determination by the Commissioners of Inland Revenue under the Finance (1909-10) Act 1910) and on a notice of reference under Part IV of these Rules (not being a reference under section 47(1) of the Taxes Management Act 1970) ...	6
2. On a notice of appeal under Part II of these Rules ...	2
3. Under Part V of these Rules—	
(1) on an application ...	20
(2) on notification to the registrar in accordance with rule 20(3) ...	10
4. On an application under Part VI of these Rules—	
(1) for a definitive certificate ...	20
(2) for a temporary and definitive certificate ...	25
5. On an application to the President, Tribunal or registrar—	
(1) for a consent order ...	3
(2) any other application ...	2
<i>Hearing fees</i>	
6.—(1) On an appeal against the decision of a local valuation court and on an appeal by way of a reference by consent—	
(i) where net annual value does not exceed £250 ...	3
(ii) where net annual value exceeds £250 but does not exceed £500 ...	5
(iii) where net annual value exceeds £500 but does not exceed £1,000 ...	10
(iv) where net annual value exceeds £1,000 but does not exceed £5,000 ...	20
(v) where net annual value exceeds £5,000—	
(a) for the first £5,000 ...	25
(b) for every £200 or fraction of £200 over £5,000 ...	1
	} subject to a maximum fee of £500
(2) On an appeal against a determination under Part I (not being a determination by the Commissioners of Inland Revenue under the Finance (1909-10) Act 1910) or on a reference under Part IV of these Rules (not being a reference on a dispute as to water rates or under section 47(1) of the Taxes Management Act 1970) or on an application for a certificate of value—	
where the amount awarded or determined by the Tribunal or agreed by the parties following a hearing—	
(i) does not exceed £250 ...	7
(ii) exceeds £250 but does not exceed £500—	
(a) for the first £250 ...	7
(b) for every £50 or fraction of £50 over £250 ...	1
(iii) exceeds £500—	
(a) for the first £500 ...	15
(b) for every £100 or fraction of £100 over £500 ...	1
	} subject to a maximum fee of £500

<i>Item</i>	<i>Fee</i>
	£
(3) On an appeal or reference where the award is in terms of rent or other annual payment, the following scale of fees shall be substituted for those payable under paragraph (2) above—	
where the amount awarded—	
(i) does not exceed £10 per annum	5
(ii) exceeds £10 per annum but does not exceed £25 per annum—	
(a) for the first £10 per annum	5
(b) for every £2.50 or fraction of £2.50 over £10 per annum	1
(iii) exceeds £25 per annum—	
(a) for the first £25 per annum	11
(b) for every £5 or fraction of £5 over £25 per annum	1
	} subject to a maximum fee of £500
(4) On the hearing of an application or the making of an order under Part V of these Rules	30
(5) On the hearing of any other appeal or reference (not being an appeal against a determination by the Commissioners of Inland Revenue under the Finance (1909-10) Act 1910 or a reference under section 47(1) of the Taxes Management Act 1970) in which no fee is payable by reference to an amount awarded	15
<i>Copies of documents</i>	
7. On certifying a copy of an order or an award of the Tribunal	1
8. For a copy of all or part of any document—	
(1) not over foolscap or I.S.O. A4 size—	
(i) for each page of the first copy... ..	0.10
(ii) for each additional page	0.05
(2) over foolscap or I.S.O. A4 size—	
(i) for each page of the first copy	0.20
(ii) for each additional page	0.10
9. On a case for the decision of the Court of Appeal—	
(1) drawing case, if not drawn by the parties	3
(2) attending the President or the Tribunal settling case	5
10. On the taxation of a bill of costs—	
(1) where the amount allowed does not exceed £5	0.25
(2) where the amount allowed exceeds £5 but does not exceed £100, for every £1 or fraction of £1... ..	0.05
(3) where the amount allowed exceeds £100—	
(i) for the first £100	5
(ii) for every £2 or fraction of £2 over £100	0.05
On withdrawal of a bill of costs which has been lodged for taxation, such fee (not exceeding the amount which would have been payable as above if the bill had been allowed in full) as may be reasonable having regard to the amount of work done in the office.	
<i>Directions for payment</i>	
11. A notice, application or other document in respect of which a fee is payable shall, if sent by post, be accompanied by a cheque or postal order drawn in favour of Her Majesty's Paymaster-General for the amount of the fee.	

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules consolidate and amend the Lands Tribunal Rules 1963 and the Lands Tribunal (Amendment) Rules 1968, 1970 and (No. 2) 1970. The principal alterations are as follows:—

Part II (Appeals from local valuation courts). Notice of appeal may be given informally (r. 9); appropriate provisions are made for drainage rates appeals (rr. 2(2), 9(2) and (4), 54(2) and Sch. 1 Form 2); and the net annual value which must be exceeded for a statement of case and exchange of valuations to be required is increased from £500 to £1,250 (r. 11(1)).

Part IV (References). The definition of a reference is simplified (r. 15).

Part V (Relief from restrictive covenants). The powers to make an order without a hearing in the absence of valid objections are extended (r. 23(2) and (3)).

Part VII (General Procedure). Parts VII and VIII of the 1963 Rules are amended and rearranged in the new Part VII. The rule whereby a hearing cannot take place within 14 days of the notice of hearing may be waived with the parties' agreement (r. 32(2)); the Tribunal may inspect land in the absence of the parties (r. 34(1)); where the rate of interest on an award is not prescribed the award carries interest, unless the Tribunal otherwise directs, and the rate is that applicable to judgment debts (r. 38, applying section 20 of the Arbitration Act 1950); the time limit for appeals against interlocutory decisions is extended from 4 to 7 days (r. 45); the President may dismiss proceedings on the application of one party and the registrar may make orders to deal with dormant proceedings (r. 51(2) and (4)); and the Tribunal may give its decision and reasons orally where satisfied that there will be no injustice or inconvenience to the parties (r. 54).

Schedule 1 (Forms). The prescribed forms are revised and numbered so as to correspond with the appropriate Parts of the Rules.

Schedule 2 (Fees). The fees prescribed by the 1963 Rules are comprehensively revised.

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