

2010 No. 2601

TRIBUNALS AND INQUIRIES, ENGLAND AND WALES

**The Upper Tribunal (Lands Chamber) Fees (Amendment) Order
2010**

<i>Made</i>	- - - -	<i>28th October 2010</i>
<i>Laid before Parliament</i>		<i>2nd November 2010</i>
<i>Coming into force</i>	- -	<i>29th November 2010</i>

The Lord Chancellor makes this Order in exercise of the powers conferred by section 42(1)(b) of the Tribunals, Courts and Enforcement Act 2007(a), after consultation with the Senior President of Tribunals and the Administrative Justice and Tribunals Council in accordance with section 42(5) of that Act.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Upper Tribunal (Lands Chamber) Fees (Amendment) Order 2010 and comes into force on 29th November 2010.

(2) This Order extends to England and Wales and applies to proceedings in the Lands Chamber of the Upper Tribunal.

(3) “The Rules” means the Upper Tribunal (Lands Chamber) Rules 2010(b) and any reference in this Order to a rule by number alone means that rule in the Rules.

Amendments of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Fees Order 2009

2. The Upper Tribunal (Lands Chamber) Fees Order 2009(c) is amended as follows.

3.—(1) In article 2, omit the words from “established by” to the end.

(2) In article 3, for the words “Lands Tribunals Rules 1996”, substitute “the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010”.

(3) In article 6—

(a) for “paragraphs 1,” substitute “paragraphs 2,”;

(b) for “under the Finance Act 1975(d)” substitute “under section 222(4A) of the Inheritance Act 1984(e)”.

(a) 2007 c. 15

(b) S.I. 2010/2600

(c) S.I. 2009/1114

(d) 1975 c. 7. Paragraph 7 (appeals) of Schedule 4 to the Finance Act 1975 was re-enacted in the Inheritance Tax Act 1984 (c. 51), section 222 (appeals against determinations). Subsection (4A) of section 222 of the Inheritance Act 1984 was substituted by S.I. 2009/56.

(e) 1984 c. 51.

4. For the Schedule (fees) to the Upper Tribunal (Lands Chamber) Fees Order 2009 substitute the Schedule (fees to be taken in the Lands Chamber of the Upper Tribunal) set out in the Schedule to this Order.

Signed by authority of the Lord Chancellor

28th October 2010

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE

article 4

“SCHEDULE

Fees to be taken in the Lands Chamber of the Upper Tribunal

<i>Item</i>	<i>Fee</i>
	£
Lodging an application for permission to appeal	
1. On lodging an application for permission to appeal under rule 21 (application to the Tribunal for permission to appeal)	200
Lodging a reference or an appeal	
2. On lodging a notice of reference under rule 28 (notice of reference) or a notice of appeal under rule 24 (notice of appeal)	250
Lodging an absent owner application	
3. On lodging an application for a determination under Schedule 2 to the Compulsory Purchase Act 1965 ^(a) (absent or untraced owners) or section 58 of the Land Clauses Consolidation Act 1845 ^(b) (compensation to absent parties to be determined by a surveyor appointed by two justices)	500
Lodging a restrictive covenant application	
4. On lodging an application under rule 32 (method of making application) in respect of section 84 of the Law of Property Act 1925 ^(c) (power to discharge or modify restrictive covenants affecting land)	800
Lodging a rights of light application	
5. On lodging an application under rule 41 (method of making application) in respect of section 2 of the Rights of Light Act 1959 ^(d) (registration of notice in lieu of obstruction of access of light)—	
(a) for a definitive certificate	1,200
(b) for a temporary and definitive certificate	1,500
Interlocutory or consent order application	
6. On lodging an interlocutory application	100
7. On lodging an application for a consent order (rule 50) (consent orders)	150
Hearing a rating appeal	
8. On the hearing of an appeal from the decision of a Tribunal with jurisdiction to hear rating appeals, 5 per cent of rateable value as determined in the final order of the Tribunal, subject to—	
(a) minimum fee	250
(b) maximum fee	15,000
Hearing a reference or other appeal (excluding one where the hearing fee is calculated on the basis of rental value)	

9. On the hearing of a reference or an appeal against a determination or on an application for a certificate of value (excluding one where the hearing fee is calculated on the basis of rental value), 2 per cent of the amount awarded or determined by the Tribunal, agreed by the parties following a hearing, or determined in accordance with rule 44 (decision with or without a hearing), subject to—
- | | |
|-----------------|--------|
| (a) minimum fee | 250 |
| (b) maximum fee | 15,000 |

Hearing a reference or other appeal where the hearing fee is calculated on the basis of rental value

10. On the hearing of a reference or an appeal against a determination where the award is in terms of rent or other annual payment, two per cent of the annual rent or other payment determined by the Tribunal, agreed by the parties following a hearing, or determined in accordance with rule 46 (decision with or without a hearing), subject to—
- | | |
|-----------------|--------|
| (a) minimum fee | 250 |
| (b) maximum fee | 15,000 |

Determining a restrictive covenant application

11. On the hearing of an application or the making of any order under section 84 of the Law of Property Act 1925^(e) (power to discharge or modify restrictive covenants affecting land)—
- | | |
|---|-------|
| (a) a hearing as to entitlement under section 84(3A) | 500 |
| (b) order without a hearing (rule 46) | 250 |
| (c) substantive hearing of an originating application | 1,000 |
| (d) engrossing Minutes of Order | 200 |

Hearing (no amount awarded)

- | | |
|---|-----|
| 12. On the hearing or preliminary hearing of a reference or appeal (not being the determination of an application under paragraph 11 above) where either the amount determined is nil or the determination is not expressed in terms of an amount | 500 |
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Copies of documents

- | | |
|--|--|
| 13. For a photocopy or certified copy of a document, or for examining a plain copy and marking as a certified copy | 1 (for each page, subject to a minimum total of £10) |
| 14. For supplying published decisions to subscribers | 1 (for each page, subject to a minimum total of £10) |

Determination of amount of costs

- | | |
|---|------|
| 15. For a determination by the Tribunal of the amount of costs under Rule 10(5)(c), for every £1 or part thereof allowed. | 0.05 |
|---|------|

^(a) 1965 c. 56. Schedule 2 was amended by the Statute Law (Repeals) Act 1973 (c. 39) and the Statute Law (Repeals) Act 1974 (c. 22).

^(b) 1845 c. 18. Section 58 was amended by Schedule 3 to the Compulsory Purchase Act 1965 (c. 56).

^(c) 1925 c. 20. Section 84 was amended by the Law of Property Act 1969 (c. 59), the Civil Aviation Act 1982 (c. 16) and the Land Registration Act 2002 (c. 9).

^(d) 1959 (c.56). Section 2 was substituted by Schedule 1 to the Local Land Charges Act 1975 (c. 76).

^(e) 1925 c.20. Section 84 was amended by the Law of Property Act 1969 (c.59), the Civil Aviation Act 1982 (c. 16) and the Land Registration Act 2002 (c. 9).”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the increase of fees currently payable in the Lands Chamber of the Upper Tribunal. It substitutes a new Schedule of fees into the Upper Tribunal (Lands Chamber) Fees Order 2009 (S.I. 2009/1114).

The previous fees and the extent of the increases since the last fee increase are detailed in the Explanatory Memorandum which is published on the website of the Office of Public Sector Information along with a full Impact Assessment which was prepared for the Government response to the public consultation on the fee increases.

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