
EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend (subject to transitional savings) the Rules governing the procedure of the Lands Tribunal for Northern Ireland, namely, the Lands Tribunal Rules (Northern Ireland) 1976 (hereafter referred to as “the Lands Tribunal Rules”), largely consequential on the repeal and re-enactment with amendments (and without Part II on compensation for improvements) of the Business Tenancies Act (Northern Ireland) 1964 (1964 c. 36 (N.I.)) by the Business Tenancies (Northern Ireland) Order 1996 (S.I.1996/725 (N.I. 5)) (hereafter referred to as “the Act of 1964” and “the Order”, respectively). These Rules come into operation on 1st April 1997, as does the Order.

New provision is made in the Lands Tribunal Rules for the keeping of the register of the Lands Tribunal by computer (rule 3(2)).

A new Part VII and new Forms EA and EB under that Part (hereafter referred to as “new rules E1, E2, E3, E4, E5 and E6” and as “new Forms EA and EB”, respectively) are substituted by rule 3(3) and (4) and Parts I and II of the Schedule for Part VII of the Lands Tribunal Rules and Forms EA to EG (hereafter referred to as “previous rules E1, E2, E3, E4, E5, E6, E7, E8, E9 and E10” and “previous Forms EA, EB, EC, ED, EE, EF and EG”, respectively). The effects of the main changes are referred to below.

The Order, *inter alia*, introduces a new provision for applications to the Lands Tribunal by landlords and tenants (Article 10 of the Order — tenancy applications) and this, together with other changes consequential on the Order are reflected in new rule E2(1) and new Form EA (replacing previous rule E2(1) and previous Form EA). Previous rule E2(2) is substantially re-enacted as new rule 2(3).

New provision is made in new Rule E2(2) and new Form EB for applications other than tenancy applications under Article 10 of the Order (in effect, replacing previous rule E2(3) to (6) and previous Forms EB, EC, ED and EG): such applications may be made either —

- (a) by serving an application in Form EB on the registrar and a copy of the application on every other party to the proceedings; or
- (b) by writing to the registrar and obtaining directions.

Previous rule E3 and previous Forms EE and EF relate to Part II of the Act of 1964 on compensation for improvements, which Part was repealed (subject to a transitional saving, reflected in rule 4 as mentioned below) without re-enactment by the Order. Accordingly, no provision is made for such matters in new rules E1 to E6.

Previous rules E6 to E10 (apart from previous rule E8, which relates to Part II of the Act of 1964 and which is, accordingly, not re-enacted for the same reason as that obtaining to previous rule E3) are largely re-enacted as new rules E3 to E6.

There are transitional savings in rule 4 for applications falling within paragraphs 3 and 10 of Schedule 2 to the Order. Those provisions of the Order contain transitional savings for cases where the landlord’s notice to determine or the tenant’s request for a new tenancy were served under the Act of 1964 before the commencement of the Order on 1st April 1997, and for certain cases of compensation for improvements under Part II of the Act of 1964 where the tenant served a notice of improvement under section 34 of the Act of 1964 before that commencement date. The Act of 1964 and the previous rules and previous forms in Lands Tribunal Rules continue to apply to those cases.