

2007 No. 409

LANDS TRIBUNAL

**The Lands Tribunal (Amendment) Rules (Northern Ireland)
2007**

Made - - - - - *24th September 2007*

Coming into operation - *5th November 2007*

The Department of Finance and Personnel^(a) makes the following Rules in exercise of the powers conferred by section 9 of the Lands Tribunal and Compensation Act (Northern Ireland) Act 1964^(b).

In accordance with that section it has consulted with the President of the Lands Tribunal for Northern Ireland.

Citation and commencement

1. These Rules may be cited as the Lands Tribunal (Amendment) Rules (Northern Ireland) 2007 and shall come into operation on 5th November 2007.

Amendment of the Lands Tribunal Rules (Northern Ireland) 1976

2. The Lands Tribunal Rules (Northern Ireland) 1976^(c) shall be amended in accordance with rules 3 to 15.

Interpretation

3. In rule 2(1)—

(a) for the definition of “the Rates Order” there shall be substituted the following definition—

““the Rates Order” means the Rates (Northern Ireland) Order 1977^(d);”;

(b) for the definitions of “the Commissioner”, “district valuer”, “net annual value” and “rateable value” there shall be substituted the following definitions—

““capital value”, “capital value list”, “the Commissioner”, “district valuer”, “NAV list”, “net annual value” and “rateable value” have the same meaning respectively as in the Rates Order;”;

(c) after the definition of “statutory provision” there shall be inserted the following definition—

(a) Formerly the Department of Finance; see S.I. 1982/338 ((N.I. 6) Article 3
(b) 1964 c. 29 (N.I.)
(c) S.R. 1976 No. 146 as amended by S.R. 1977 No. 354 and S.R. 1997 No. 73
(d) S.I. 1977/2157 (N.I. 28)

““the Valuation Tribunal” means the Northern Ireland Valuation Tribunal.”.

Appeals from decision or direction of the Valuation Tribunal

4. In rule A1—

(a) in paragraphs (1) and (2) for the words “21 days” there shall be substituted the words “28 days”; and

(b) at the end there shall be added the following paragraphs—

“(4) Subject to paragraphs (11) and (12), an appeal under Article 54A of the Rates Order against a decision or direction of the Valuation Tribunal shall be instituted by serving on the registrar a notice of appeal in accordance with Form AC within 28 days from the date of the grant of leave of appeal by the President of the Valuation Tribunal.

(5) A notice of appeal under paragraph (4) shall be accompanied by—

(a) a copy of the decision or direction of the Valuation Tribunal against which the appeal is made; and

(b) a copy of the decision of the President of the Valuation Tribunal granting leave to appeal.

(6) An application for leave to appeal under Article 54A of the Rates Order against a decision or direction of the Valuation Tribunal may be made to the Lands Tribunal only where the applicant has been refused leave to appeal by the President of the Valuation Tribunal.

(7) An application to the Lands Tribunal for leave to appeal under Article 54A of the Rates Order against a decision or direction of the Valuation Tribunal shall be made by serving on the registrar a notice of application in accordance with Form AD within 28 days from the date of refusal of leave to appeal by the President of the Valuation Tribunal.

(8) A notice of application under paragraph (7) shall be accompanied by—

(a) a copy of the decision or direction of the Valuation Tribunal against which leave to appeal is being sought; and

(b) a copy of the decision of the President of the Valuation Tribunal refusing leave to appeal.

(9) If the matter of an appeal would be such as to require alteration to be made in the amount of rate payable by any person other than the applicant, or in the valuation of any hereditament for which any such person is liable to be rated, the applicant shall also at the same time serve a copy of the notice of application on each such person who may within 28 days from the date of the notice of application serve notice on the registrar of his intention to appear as a party on such application stating—

(a) his interest in the matter; and

(b) an address for service of documents upon him.

(10) Any other person not served with a copy of a notice of application under paragraph (9) who claims to be entitled to appear and be heard on such application, may serve notice on the registrar of his intention to appear stating—

(a) his interest in the matter; and

(b) an address for service of documents upon him.

(11) Where the Lands Tribunal grants leave to appeal under Article 54A of the Rates Order, the notice of application for leave shall be taken to constitute the notice of appeal and to have been received by the Lands Tribunal on the date on which leave to appeal is granted.

(12) If on consideration of an application for leave to appeal the Lands Tribunal is minded to grant leave, it may, with the consent of all the parties, treat the application as the appeal.”.

Application for extension of time

5. In rule A2—

- (a) for the words “rule A1(1) or rule A1(2)” there shall be substituted the words “rule A 1(1), (2) or (4) or making an application under rule A 1(7)”;
- (b) after the words “notice of appeal” there shall be inserted the words “or, as the case may be, application”, and
- (c) for the words “21 days” there shall be substituted the words “28 days”.

Notification of certain appeals to district council

6. In rule A3—

- (a) for the words “rule A1(1) or rule A1(2), the appellant” there shall be substituted the words “rule A1(1), (2) or (4) or an application under rule A1(7), the appellant or applicant”; and
- (b) after the words “notice of appeal” there shall be inserted the words “or application”.

Notification to other interested persons

- 7.** In rule A4 for the words “21 days” there shall be substituted the words “28 days”.

Entry of appeal

8. In rule A6—

- (a) after the word “appeal” where it first occurs there shall be inserted the words “or notice of application for leave to appeal”;
- (b) after the word ”appeal” where it occurs elsewhere there shall be inserted the words “or application”; and
- (c) after the word “appellant” there shall be inserted the words “or applicant”.

Notification of appearances by the registrar

9. In rule A7—

- (a) after the word “appeal” wherever it occurs there shall be inserted the words “or application”; and
- (b) after the word “rule” there shall be inserted the words “A1(10) or”.

Appeal against a determination of the Department under Article 13(2)(b) of the Rates Order or against a decision or direction of the Valuation Tribunal under Article 13(3) of that Order

10. In rule A8—

- (a) for paragraph (1) there shall be inserted the following paragraphs—

“(1) This rule applies to an appeal against—

- (a) a determination of the Department under Article 13(2)(b) of the Rates Order; or
- (b) a decision or direction of the Valuation Tribunal under Article 13(3) of that Order.

(1A) The appellant shall serve on the registrar a statement of his case including the facts to be proved and the points of law (if any) on which he intends to rely at the hearing of the appeal together with copies of the statement for the Department and any other party to the appeal.

(1B) The statement and copies referred to in paragraph (1A) shall be served on the registrar within 28 days after the expiration of the time limited by rule A1(1) or (4) for giving notice of appeal or, in a case falling within rule A1(11), within 28 days of the date

on which the Lands Tribunal grants leave to appeal and the registrar shall as soon as practicable after receipt of the statement and copies serve a copy of the statement on each other party to the appeal.”; and

(b) for the heading to that Article there shall be substituted the following heading—

“Appeal against a determination of the Department under Article 13(2)(b) of the Rates Order or against a decision or direction of the Valuation Tribunal under Article 13(3) of that Order”.

Other appeals

11. In rule A9—

(a) in paragraph (1) there shall be added at the end the words “in an appeal under Article 54 or 54A of the Rates Order other than an appeal against a decision or direction of the Valuation Tribunal under Article 13(3) of that Order”;

(b) for paragraph (2) there shall be substituted the following paragraphs—

“(2) The appellant shall serve on the registrar the following statements with a copy of each statement for each of the other parties to the appeal—

(a) a statement of his case, including the facts to be proved and the points of law (if any) on which he intends to rely at the hearing of the appeal;

(b) a statement giving the address, description and valuation as shown in the valuation lists then current of the comparable hereditaments to which he intends to refer at the hearing, or a statement that he does not propose so to refer to any hereditament other than the subject of the appeal.

(2A) The statements and copies referred to in paragraph (2) shall be served on the registrar within 28 days after the expiration of the time limited by rule A1(2) or (4) for giving notice of appeal, or in a case of an appeal under rule A1(3), after the date of the notice of transfer, or in a case falling within rule A1(11), within 28 days of the date on which the Lands Tribunal grants leave to appeal and the registrar shall as soon as practicable after receipt of the statements and copies serve on each of the other parties to the appeal copies of the appellant’s statements.”; and

(c) for the heading there shall be substituted the following heading—

“Other Appeals”.

Cases not raising a point of law and in which the appellant does not propose to propound expert valuation evidence

12. In rule A10(2)—

(a) the words “, within 28 days after service of a notice of appeal under rule A1(2),” shall be omitted; and

(b) after the words “rule A9(2)(b)” there shall be inserted the words “within 28 days after service of a notice of appeal under rule A1(2) or (4), or in a case falling within rule A1(11), within 28 days of the date on which the Lands Tribunal grants leave to appeal”.

Evidence

13. After rule A11 there shall be inserted the following rule—

“Evidence

A11A. In any proceedings on an appeal against a decision or direction of the Valuation Tribunal, the Lands Tribunal shall receive as evidence the findings of the Valuation Tribunal.”.

Forms

14. In Schedule 1 after Form AB there shall be inserted the forms set out in the Schedule to these Regulations.

Fees

15. In Schedule 2—

- (a) after item 2 and the fee specified opposite thereto there shall be inserted the following—
“2A. On a notice of application for leave to appeal under rule A1(7) £2.00”
- (b) for paragraph (d) of item 9 and the fees specified opposite thereto there shall be substituted the following—
“(d) on an application or appeal under Part III—
- | | | |
|-------|--|--------------------------------|
| (i) | application for leave to appeal | £3.00 |
| (ii) | appeal against a determination of the Department under Article 13(2)(b) of the Rates Order or against a decision or determination of the Valuation Tribunal under Article 13(3) of that Order | £3.00 |
| (iii) | appeal transferred under Article 53 of the Rates Order or an appeal under Article 54 or 54A of the Rates Order other than an appeal against a decision or direction of the Valuation Tribunal under Article 13(3) of that Order— | |
| (aa) | for every £100 of net annual value shown in an entry in a NAV list which is the subject of the appeal | £1.00 (but not exceeding £500) |
| (bb) | for every £100,000 of capital value shown in an entry in a capital value list which is the subject of the appeal | £1.00”. |

Sealed with the Official Seal of the Department of Finance and Personnel on 24th September 2007



Ciaran Doran
A senior officer of the Department of Finance and Personnel

SCHEDULE

Rule 14

“ Form AC

Part III Rule A1(4)

Appeal Title	
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LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964

Notice of appeal against a decision or direction of the Valuation Tribunal

Before completing please read notes overleaf

TO: THE REGISTRAR
 LANDS TRIBUNAL FOR NORTHERN IRELAND
 ROYAL COURTS OF JUSTICE
 CHICHESTER STREET
 BELFAST
 BT1 3JJ

1. Details of the hereditament

Reference number of hereditament							
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Description of hereditament	
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Capital value	£	
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Address of hereditament	
	Postcode

If part of this hereditament is used for non-domestic purposes please state net annual value	£	
--	---	--

2. I/WE.....

of

give notice of appeal against a decision or direction of the Valuation Tribunal in respect of the above hereditament issued on

.....

Leave to appeal against this decision or direction was granted by the President of the Valuation Tribunal in a decision issued on

.....

I have attached copies of the aforesaid decision[s] [and direction].

3. State whether owner or occupier

4. The particular grounds of appeal are that:

5. The particular remedy sought is:

6. The reasons for this are:

7. I / WE intend to appear on the appeal separately / jointly with

.....

8. A copy of this notice has today been sent—

(a) to the Secretary of the Valuation Tribunal;

(b) to the district council at: and

(c) in accordance with rule A4 of the Rating Rules of the Lands Tribunal Rules (Northern Ireland) 1976 to the following person(s):

(i) Name Address

.....

(ii) Name Address

.....

9. All communications regarding this appeal should be addressed to ME / US at the address shown at 2 above or to MY / OUR solicitor / agent

.....

of

Date Signed

Appellant or known agent

NOTES

- AT 1 Copy exactly the reference number, description and valuation of the hereditament from the decision or direction of the Valuation Tribunal against which you wish to appeal. Where the Valuation Tribunal determined a new capital value or a new net annual value, please insert that value.
- AT 2 (i) Insert your postal address in full.
(ii) Delete bracketed text as appropriate.
- AT 3 If neither owner nor occupier state capacity in which you appeal.
- AT 4 Here state briefly the grounds on which you wish to appeal, clearly identifying the particular point(s) in the decision or direction on which you base your appeal.
- AT 5 Here state the decision or direction you are seeking from the Lands Tribunal for Northern Ireland.

GENERAL

- (i) If there is insufficient space on the Form a separate sheet, securely attached, should be used.
- (ii) This notice of appeal should be sent to the registrar of the Lands Tribunal for Northern Ireland within 28 days from the date of the grant of leave to appeal by the President of the Valuation Tribunal. It should be accompanied by a cheque or postal order for £2 drawn to the order of the Lands Tribunal for Northern Ireland.
- (iii) A copy of the notice of appeal should also be sent to each person whose name is entered at 8 overleaf.

The time limits imposed by the Rules for giving notice of appeal may be extended in exceptional circumstances, on application to the registrar in accordance with the provisions of rule A2 of the Rating Rules of the Lands Tribunal Rules.

Any notice or other document required or authorised to be served in connection with the appeal should be sent by registered post or recorded delivery.

Any notice or other document required or authorised to be served on the registrar may be sent or delivered by hand to him at the Office of the Lands Tribunal.

Application Title	
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LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964

Notice of application for leave to appeal against a decision or direction of the Valuation Tribunal

Before completing
please read notes overleaf

TO: THE REGISTRAR
LANDS TRIBUNAL FOR NORTHERN IRELAND
ROYAL COURTS OF JUSTICE
CHICHESTER STREET
BELFAST
BT1 3JJ

1. Details of the hereditament

Reference number of hereditament

--	--	--	--	--	--	--	--

Description of hereditament

--

Capital value

£	
---	--

Address of hereditament

Postcode	

If part of this hereditament is used for non-domestic purposes please state net annual value

£	
---	--

2. I/WE.....

of

give notice of application for leave to appeal against a decision or direction of the Valuation Tribunal in respect of the above hereditament issued on .

MY / OUR application to the President of the Valuation Tribunal for leave to appeal against the decision or direction of the Valuation tribunal was refused in a decision issued on

I have attached copies of the aforesaid decision[s] [and direction].

3. State whether owner or occupier

4. My application is—

- (a) on a matter or matters material to the outcome that is/are obviously wrong; or
- (b) on a matter or matters material to the outcome that is/are open to serious doubt and is/are of general public importance or important to a section of the community; or
- (c) for the following reasons—

My particular grounds are:

5. The particular remedy sought is:

6. The reasons for this are:

7. I / WE intend to appear on the application separately / jointly with

8. A copy of this notice has today been sent—

- (a) to the Secretary of the Valuation Tribunal;
- (b) to the district council at: and
- (c) in accordance with rule A1(9) of the Rating Rules of the Lands Tribunal Rules (Northern Ireland) 1976 to the following person(s):

(i) Name Address

(ii) Name Address

9. All communications regarding this application should be addressed to ME / US at the address shown at 2 above or to MY / OUR solicitor / agent

.....

of

Date Signed

Appellant or known agent

NOTES

- AT 1 Copy exactly the reference number, description and valuation of the hereditament from the decision or direction of the Valuation Tribunal against which you wish to appeal. Where the Valuation Tribunal determined a new capital value or a new net annual value, please insert that value.
- AT 2 (i) Insert your postal address in full.
(ii) Delete bracketed text as appropriate.
- AT 3 If neither owner nor occupier state capacity in which you appeal.
- AT 4 Delete as appropriate.
- AT 5 Here state the decision or direction you are seeking from the Lands Tribunal for Northern Ireland.

GENERAL

- (i) If there is insufficient space on the Form a separate sheet, securely attached, should be used.
- (ii) This notice of application should be sent to the registrar of the Lands Tribunal for Northern Ireland within 28 days from the date of refusal of leave to appeal by the President of the Valuation Tribunal. It should be accompanied by a cheque or postal order for £2 drawn to the order of the Lands Tribunal for Northern Ireland.
- (iii) A copy of this notice of application should also be sent to each person whose name is entered at 8 overleaf.

The time limits imposed by the Rules for applying for leave to appeal may be extended in exceptional circumstances, on application to the registrar in accordance with the provisions of rule A2 of the Rating Rules of the Lands Tribunal Rules.

Any notice or other document required or authorised to be served in connection with the application should be sent by registered post or recorded delivery.

Any notice or other document required or authorised to be served on the registrar may be sent or delivered by hand to him at the Office of the Lands Tribunal. ”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Lands Tribunal Rules (Northern Ireland) 1976.

They—

- (a) introduce rules of procedure and fees in relation to an appeal brought under Article 54A of the Rates (Northern Ireland) Order 1977 against a decision or direction of the Northern Ireland Valuation Tribunal and in relation to an application to the Lands Tribunal for leave to bring such an appeal (rules 4(b) to 6, 8 to 15 and the Schedule);
- (b) provide that other Lands Tribunal rating appeals may be brought within 28 days rather than 21 days of the date of issue of the decision being appealed (rule 4(a)); and
- (c) provide that a person served with a notice of a rating appeal may serve a notice of his intention to appear as a party on the appeal within 28 days rather than 21 days of the date of the notice of appeal (rule 7).

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