



Lands Tribunal Act 1949

1949 CHAPTER 42 12 13 and 14 Geo 6

1 Establishment and jurisdiction of Lands Tribunal.

- (1) There shall be set up, to exercise the jurisdiction hereafter mentioned in this Act, the following tribunals, namely—
 - (a) a tribunal for Scotland, to be called “the Lands Tribunal for Scotland”; and
 - (b) a tribunal for the remainder of the United Kingdom, to be called “the Lands Tribunal.”
- (2) Except in so far as the context otherwise requires, references in this Act to the Lands Tribunal shall be taken, in relation to Scotland, as references to the Lands Tribunal for Scotland.
- (3) There shall be referred to and determined by the Lands Tribunal—
 - (a) any question which is by any Act (including a local or private Act) directed, in whatever terms, to be determined by a person or one or more persons selected from either of the following panels, that is to say,—
 - (i) the panel of official arbitrators appointed under the Acquisition of Land Act; and
 - (ii) the panel of referees appointed under Part I of the ^{M1}Finance (1909-10) Act 1910;or which is so directed to be determined in the absence of agreement to the contrary;
 - (b) any other question of disputed compensation under the Lands Clauses Acts, where the claim is for the injurious affection of any land . . . ^{F1}
 - (c) any question arising . . . ^{F2} as to the apportionment mentioned in section one hundred and sixteen of the ^{M2}Lands Clauses Consolidation Act 1845, of any rent charge or other matter to which that section applies;
 - (d) ^{F3}
 - (e) any question on which, but for this provision, an appeal or reference to the county court would or might be made by virtue of section . . . ^{F4}, sixty-two or eighty-seven of the ^{M3}Local Government Act 1948.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Lands Tribunal Act 1949, Section 1. (See end of Document for details)

[^{F5}(3A) The Lands Tribunal for Scotland may also determine any appeal or complaint under the Valuation Acts (within the meaning of section 37(1) of the Local Government (Scotland) Act ^{M4}1975) referred to it by a valuation appeal committee.

(3B) The jurisdiction conferred by subsection (3A) of this section includes power, in relation to an individual appeal or complaint, to decline with reason stated to proceed to determine it.

[The Lands Tribunal for Scotland may also determine any appeal against the decision ^{F6}(3BA) of a valuation appeal committee not to refer to the Tribunal any appeal or complaint made to the committee and, where the Tribunal upholds such an appeal, the appeal or complaint made to the committee shall, for the purposes of this section, be regarded as having been referred by the committee to the Tribunal for determination under subsection (3A) above.]

(3C) The provisions of the said Valuation Acts with regard to appeal to judges of the Court of Session shall, with any necessary modifications, apply in relation to determinations of the Lands Tribunal for Scotland under subsection (3A) of this section as they apply in relation to decisions of valuation appeal committees.

(3D) The Secretary of State may by order made by statutory instrument repeal or amend any enactment (including this Act) to the extent necessary to give full effect to this section.

(3E) A statutory instrument containing an order under subsection (3D) above shall have no effect until approved by resolution of each House of Parliament.]

(4) The Lands Tribunal shall also exercise—

(a) the jurisdiction conferred on the Authority under section eighty-four of the ^{M5}Law of Property Act 1925 (which relates to the discharge and modification of restrictive covenants); and

(b) any other jurisdiction conferred by any Act (including a local or private Act), or instrument made under any such Act, on a person or one or more persons selected as mentioned in paragraph (a) of the last foregoing subsection . . . ^{F1}

(5) The Lands Tribunal may also act as arbitrator under a reference by consent, and any agreement entered into before the commencement of this Act which provides for referring any matter to arbitration by a person or one or more persons selected as aforesaid shall, subject to any subsequent agreement, have effect as if it provided for referring the matter to arbitration by the Lands Tribunal.

(6) Where [^{F7}any person] is or may be liable for any compensation falling to be determined under section fifty-eight or one hundred and six of the ^{M6}Lands Clauses Consolidation Act 1845 (which sections relate to the procedure in default of a claimant), the surveyor referred to in those sections, . . . ^{F2} shall be selected as hereinafter mentioned from the members of the Lands Tribunal.

(7) ^{F8}

(8) In relation to the Lands Tribunal for Scotland this section shall have effect with the substitution—

(a) of references to sections fifty-seven, ninety-seven and one hundred and nine of the ^{M7}Lands Clauses Consolidation (Scotland) Act 1845, for the references to sections fifty-eight, one hundred and six and one hundred and sixteen respectively of the ^{M8}Lands Clauses Consolidation Act 1845; and

(b) ^{F9}

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Textual Amendments

- F1** Words repealed by [Land Compensation Act 1961 \(c. 33\)](#), [Sch 5](#); and [Land Compensation \(Scotland\) Act 1963 \(c.51\)](#), [Sch. 4](#)
- F2** Words repealed by [Compulsory Purchase Act 1965 \(c. 56\)](#), [Sch. 8 Pt. III](#)
- F3** [S. 1\(3\)\(d\)](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)
- F4** Words repealed by [General Rate Act 1967 \(c. 9\)](#), s. 117, [Sch. 14 Pt. I](#)
- F5** [S. 1\(3A\)–\(3E\)](#) inserted (S.) by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\)](#), [s. 12\(1\)](#)
- F6** [S. 1\(3BA\)](#) inserted (E.W.S.) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 1](#)
- F7** Words substituted by [Land Compensation Act 1961 \(c. 33\)](#), [Sch. 4 para. 8](#); and [Land Compensation \(Scotland\) Act 1963 \(c. 51\)](#), [s. 46](#)
- F8** [Ss. 1\(7\), 3\(7\), 5](#), [Sch. 1](#) repealed by [Land Compensation Act 1961 \(c. 33\)](#), [Sch. 5](#) and [Land Compensation \(Scotland\) Act 1963 \(c. 51\)](#), [Sch. 4](#)
- F9** [S. 1\(8\)\(b\)](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)

Modifications etc. (not altering text)

- C1** [S. 1](#) extended by [Coast Protection Act 1949 \(c. 74\)](#), [s. 24](#)
- C2** [S. 1\(3A\)](#) excluded (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), [s. 82\(5\)](#) (with [s. 118\(1\)\(2\)\(4\)](#)).

Marginal Citations

- M1** 1910 c. 8.
- M2** 1845 c. 18.
- M3** 1948 c. 26.
- M4** 1975 c.30 ([81:2](#)).
- M5** 1925 c. 20.
- M6** 1845 c. 18.
- M7** 1845 c. 19.
- M8** 1845 c. 18.

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