



Lands Tribunal Act 1949

1949 CHAPTER 42

3 Procedure, appeals, costs and fees.

- (1) Subject to the provisions of this Act, the jurisdiction of the Lands Tribunal may be exercised by any one or more of its members, and references in this Act to the Lands Tribunal shall be construed accordingly.
- (2) The member or members who is or are to deal with any case shall be selected as follows:—
 - (a) the President may select a member or members to deal with a particular case or class or group of cases; or
 - (b) the President may select for a class or group of cases members from amongst whom a member or members to deal with any particular case shall be selected, and

the selection from amongst those members of a member or members to deal with a particular case shall then be made either by the President or, if he so directs, by one of those members appointed by the President to be their chairman.

This subsection shall apply to the selection of a member of the Lands Tribunal for the purposes of subsection (6) of section one of this Act as if the case were one to be dealt with by the Lands Tribunal.

- (3) Where a case is dealt with by two or more members of the Tribunal—
 - (a) if the President is one of them he shall preside at the hearing and, if he is not, one of them shall be nominated to preside at the hearing by the person selecting them to deal with the case ;
 - (b) a decision shall be taken, in the event of a difference between the members dealing with the case, by the votes of the majority and, in the event of an equality of votes, the person presiding at the hearing shall be entitled to a second or casting vote.

- (4) A decision of the Lands Tribunal shall be final:

Provided that any person aggrieved by the decision as being erroneous in point of law may, within such time as may be limited by rules of court, require the tribunal to state and sign a Case for the decision of the court and, where the decision of the Lands

Status: This is the original version (as it was originally enacted).

Tribunal is given on a review by way of appeal of the previous decision of another person, that person if dissatisfied with the decision of the Lands Tribunal shall be treated for this purpose as a person aggrieved thereby.

- (5) Subject to the following provisions of this section, the Lands Tribunal may order that the costs of any proceedings before it incurred by any party shall be paid by any other party and may tax or settle the amount of any costs to be paid under any such order or direct in what manner they are to be taxed.
- (6) Subject to the provisions of this Act, rules may be made for regulating proceedings before the Lands Tribunal and, subject to the approval of the Treasury, the fees chargeable in respect of those proceedings, and may in particular—
- (a) make provision—
 - (i) as to the form in which any decision of the Tribunal is to be given, and as to the amendment of any such decision in pursuance of any directions which may be given by the court dealing with an appeal under this section;
 - (ii) as to the time within which any proceedings before the Tribunal are to be instituted;
 - (iii) as to the evidence which may be required or admitted in any such proceedings;
 - (b) provide for the Tribunal to sit with assessors when dealing with cases calling for special knowledge and, subject to the approval of the Treasury, for making payments to the assessors as part of the expenses of the Tribunal;
 - (c) apply in relation to the Tribunal any of the provisions of the Arbitration Acts, 1889 to 1934.
- (7) Sections three to five of the Acquisition of Land Act (so far as they are not made inapplicable by the foregoing provisions of this section) shall be amended as directed by Part I of the First Schedule to this Act and shall accordingly apply in relation, to proceedings before the Lands Tribunal as set out in Part II of that Schedule:

Provided that (subject to any rules made under this section) the said sections shall apply in relation to any proceedings under an Act passed before this Act only in so far as they would have applied in relation to such proceedings if this Act had not been passed.

- (8) Where the Lands Tribunal acts as arbitrator, the Arbitration Acts, 1889 to 1934, shall apply only in so far as they are applied by rules made under this section.
- (9) Subject to this Act, any rules made by the Reference Committee under the Acquisition of Land Act, or by the Reference Committee under the Finance (1909-10) Act, 1910, which are in force immediately before the commencement of this Act shall, so far as they relate to matters with respect to which there is power to make rules under this section, have effect with any necessary modifications as if made in the exercise of that power; and any instrument prescribing the fees chargeable under either of the said Acts which is then in force shall also have effect as aforesaid.

Subject to this Act any reference to rules made by either of the said Committees or to any such instrument as aforesaid shall, unless the context otherwise requires, include a reference to the rules made or having effect under this section.

- (10) Rules made under this section shall provide for preserving, so far as appears to the rule-making authority to be practicable, the effect of things done before the commencement

of this Act in or for the purposes of the exercise of any jurisdiction transferred by this Act to the Lands Tribunal, and those rules may exclude the operation of this Act, in whole or in part, in relation to any proceedings pending at the commencement of this Act.

- (11) Subject to the following subsection—
- (a) the court referred to in subsection (4) of this section shall be the Court of Appeal;
 - (b) the rule-making authority for the purposes of this Act shall be the Lord Chancellor.
- (12) In relation to the Lands Tribunal for Scotland, the following provisions shall have effect:—
- (a) the court referred to in subsection (4) of this section shall be the Court of Session, and no appeal shall lie from a decision of the Court of Session on a case stated under that subsection except with the leave of that court;
 - (b) the rule-making authority for the purposes of this Act shall be the Lord President of the Court of Session;
 - (c) paragraph (c) of subsection (6) of this section shall not apply but the Lands Tribunal for Scotland shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath, as if the Tribunal were an arbiter under a submission, and any order of the Tribunal may be recorded for execution in the Books of Council and Session and shall be enforceable accordingly.