
STATUTORY INSTRUMENTS

2010 No. 2600

**The Tribunal Procedure (Upper
Tribunal) (Lands Chamber) Rules 2010**

PART 7

Applications under section 2 of the Rights of Light Act 1959

Interpretation

40. In this Part “section 2” means section 2 of the Rights of Light Act 1959.

Method of making application

41.—(1) An application for a certificate of the Tribunal under section 2 is made by sending or delivering to the Tribunal an application which must be signed and dated and must state—

- (a) the name and address of the applicant;
 - (b) the name and address of the applicant's representative (if any);
 - (c) whether the applicant is—
 - (i) the owner;
 - (ii) the tenant for a term of years certain and, if so, when the term will expire; or
 - (iii) the mortgagee in possession of the servient land;
 - (d) a description of the servient land;
 - [^{F1}(e) whether the relevant register of local land charges is kept by the Chief Land Registrar or the local authority in whose area the dominant building is situated, and if kept by a local authority the name of that local authority;]
 - (f) the names and addresses of all persons known by the applicant, after conducting all reasonable enquiries, to be occupying the dominant building or to have a proprietary interest in it; and
 - (g) if the application is for a temporary certificate, the grounds upon which it is claimed that the case is of exceptional urgency.
- (2) The applicant must provide with an application under paragraph (1)—
- (a) three copies of the application for the registration of a light obstruction notice under section 2 that the applicant proposes to make ^{F2}... and any attached plans; and
 - (b) the fee payable to the Tribunal.

Textual Amendments

F1 Rule 41(1)(e) substituted (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019 \(S.I. 2019/925\)](#), rules 1(2), **4(2)(a)**

F2 Words in rule 41(2)(a) omitted (3.6.2019) by virtue of The Tribunal Procedure (Amendment) Rules 2019 (S.I. 2019/925), rules 1(2), 4(2)(b)

Notices to be given

42.—(1) Upon receipt of an application the Tribunal must send or deliver written directions to the applicant specifying—

- (a) what notices are to be given to persons who appear to the Tribunal to be likely to be affected by the registration in the register of local land charges of a notice under section 2;
- (b) the time by which such notices are to be given; and
- (c) whether such notices should be given by advertisement or otherwise.

(2) The notices that the Tribunal directs shall be given under this rule must be given by the applicant who must—

- (a) as soon as reasonably practicable notify the Tribunal in writing once this has been done; and
- (b) set out full particulars of the steps taken.

Issue of temporary certificate

43.—(1) If the Tribunal is satisfied that the case is one of exceptional urgency that requires the immediate registration of a temporary notice in the register of local land charges, the Tribunal shall issue a temporary certificate.

- (2) A temporary certificate shall last no longer than 4 months.

Issue of definitive certificate of adequate notice

44. The Tribunal shall issue a definitive certificate of adequate notice when it is satisfied that any notices which it has directed must be given under rule 42 (notices to be given) have been given.

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, PART 7.