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STATUTORY INSTRUMENTS

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**2022 No. 1030**

**The Tribunal Procedure (Amendment No. 2) Rules 2022**

**Amendments to the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010**

6.—(1) The Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010(1) are amended as follows.

(2) In rule 1(3) (citation, commencement, application and interpretation)—

(a) in the definition of “applicant”, after sub-paragraph (b) insert—

“(ba) makes an application under section 130 or 135 of the Environment Act 2021(2);”;

(b) in the definition of “objector”, from “section” to the end substitute—

“—

(a) section 84 of the Law of Property Act 1925(3); or

(b) section 130 or 135 of the Environment Act 2021;”.

(3) After Part 6 (applications under section 84 of the Law of Property Act 1925 (discharge or modification of restrictive covenants)) insert—

**“PART 6A**

**Applications under section 130 or 135 of the Environment Act 2021  
(discharge or modification of an obligation under a conservation  
covenant, and declarations about conservation covenants)**

**Interpretation**

**39A.** In this Part references to a section or Schedule by number only are to the section or Schedule so numbered in the Environment Act 2021, and “conservation covenant” and “conservation covenant agreement” used in this Part have the meanings given in that Act, and—

“application covenant” means a conservation covenant to which an application relates;

“application land” means the land to which an application relates;

“landowner” means a person bound by an obligation under an application covenant;

“relevant obligation” means the obligation under an application covenant to which an application relates;

“responsible body” means the responsible body in relation to an application covenant.

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(1) S.I. 2010/2600; there are amending instruments but none is relevant to this instrument.

(2) 2021 c. 30.

(3) 1925 c. 25.

### **Method of making application**

**39B.**—(1) An application under section 130 or 135 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 and, if represented—
  - (i) the name and address of the applicant’s representative; and
  - (ii) the professional capacity, if any, in which the applicant’s representative acts;
- (b) an address where documents for the applicant may be sent or delivered;
- (c) the address or description of the application land;
- (d) whether the applicant is a landowner or a responsible body;
- (e) the relevant obligation;
- (f) the name and address of any person who is bound by the relevant obligation, or any person who the applicant believes may be so bound, and the reasons for that belief;
- (g) if the applicant is a landowner—
  - (i) the applicant’s interest in the application land;
  - (ii) the name and address of any other person with an interest in the application land and what is their interest;
  - (iii) the name and address of the responsible body;
- (h) if the applicant is applying to discharge or modify the relevant obligation under section 130, details of the discharge or modification sought, and details of the matters in paragraph 3 or 9 of Schedule 18 on which the applicant relies;
- (i) if the applicant is applying for a declaration under section 135, details of the declaration and the reasons for seeking it.

(2) The applicant must provide with the application—

- (a) a copy of the conservation covenant agreement imposing the application covenant including any attached plan coloured in accordance with the original;
- (b) a plan identifying the application land; and
- (c) the fee payable to the Tribunal.

(3) An application may be made jointly by two or more persons if—

- (a) each of those persons is entitled to make an application under section 130 or 135;
- (b) the application is (for each person) the same land or different parts of the same land; and
- (c) the application covenant is (for each person) the same conservation covenant.

(4) When the Tribunal receives an application under this Part, it must send a copy of the application and any accompanying documents to any person, other than the applicant, that is identified in the application either as landowner having an interest in the application land or in other land to which the application relates, or as a responsible body.

### **Notice of objection**

**39C.**—(1) Notice of an objection to an application and any claim for compensation must be in writing and must be sent or delivered to the Tribunal and to the applicant, so that it is received by the Tribunal within one month of the date on which the Tribunal sent a copy of the application to the objector.

(2) The notice of objection must be signed and dated and must state—

- (a) the name and address of the objector and, if represented—
    - (i) the name and address of the objector’s representative; and
    - (ii) the professional capacity, if any, in which the objector’s representative acts;
  - (b) an address where documents for the objector may be sent or delivered;
  - (c) any ground of objection; and
  - (d) whether the objector wants the case to be determined at a hearing.
- (3) After receipt of a notice of objection the Tribunal must give such case management directions as may be appropriate.

**Orders where compensation is payable**

**39D.** Where the Tribunal orders the discharge or modification of a relevant obligation subject to the payment of compensation—

- (a) the discharge or modification must not take effect until the Tribunal has endorsed on the order that the compensation has been paid; and
- (b) the Tribunal may direct that the order must cease to have effect if the compensation is not paid within a specified time.”.