STATUTORY INSTRUMENTS

1981 No. 600

LANDS TRIBUNAL

The Lands Tribunal (Amendment No. 2) Rules 1981

Made - - - - 31*st March* 1981

Coming into Operation 5*th May* 1981

The Lord Chancellor, in exercise of the powers conferred on him by section 3 of the Lands Tribunal Act 1949**(a)** and by section 28(6) of the Law of Property Act 1969**(b)** after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971**(c)**, hereby makes the following Rules:—

1. These Rules may be cited as the Lands Tribunal (Amendment No. 2) Rules 1981 and shall come into operation on 5th May 1981.

2. In these Rules, a rule referred to by number means the rule so numbered in the Lands Tribunal Rules 1975**(d)** and a form referred to by number means the form so numbered in Schedule 1 to those Rules.

3. In rule 2(2) there shall be inserted, after the definition of "appeal against a determination", the following sub-paragraph:—

> ""date of decision" means the date endorsed on the document issued by the court, tribunal, authority or person which records the decision against which the appeal is lodged;"

4. For rule 12(1) there shall be substituted the following paragraph:—

> "(1) Any appeal to the Lands Tribunal other than one to which Part I or Part II applies may be instituted within 28 days from the date of the decision appealed against by sending to the registrar a written notice of appeal in Form 3 or 3A as may be appropriate together with a copy of the decision. The appellant shall at the same time inform the registrar of the names and addresses of the parties to the dispute in respect of which the decision was given and shall supply the registrar with sufficient copies of the notice of appeal for service upon each of those parties and upon the court, tribunal, authority or person from whose decision the appeal is brought."

5. In rule 13(1) there shall be inserted after sub-paragraph (iii) the following sub-paragraph:—

> "(iv) Whether he does or does not propose to call an expert witness to give evidence."

6. In rule 16(1), for the words ",4A or 4B" there shall be substituted the words "or 4A".

(a) 1949 c. 42; section 3 was amended by paragraph 3 of Schedule 33 to the Local Government, Planning and Land Act 1980 (c. 65).

(b) 1969 c. 59. **(c)** 1971 c. 62.

(d) S.I. 1975/299, amended by S.I. 1977/1820, 1981/105.

7. For Form 3 there shall be substituted the forms, numbered 3 and 3A, set out in the Schedule to these Rules and Form 4B shall be deleted.

Dated 31st March 1981. *Hailsham of St. Marylebone*, C.

SCHEDULE

FORM 3

Notice of Appeal (General) Rule 12(1)

To:—The Registrar,
Lands Tribunal

Description of land..... To be copied from decision.

.....

Enactment under which appeal lies..... Here state Act and Section.

I/We..... Here state usual address.

of .....

hereby give notice of appeal against the decision of..... Here insert particulars of decision.

given at.....on the.....

day of.....19.... in respect of the land described above.

The grounds of appeal are that..... Here state briefly the grounds of appeal.

....

I/We do/do not propose to call an expert witness to give evidence in support of the valuations on which I/we shall rely at the hearing of the appeal. Strike out words not applicable.

All communications regarding the appeal should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent..... Strike out words not applicable.

of.....].

Dated..... Signed.....

Note:—The following documents **must** *be sent to the registrar with the notice of appeal—*

(*1*) *a copy of the decision appealed against;*

(*2*) *a list of names and addresses of every party to the dispute in respect of which the decision was given; and*

(*3*) *sufficient copies of the notice for service by the registrar upon the court, tribunal, authority or person from whose decision the appeal is brought and upon every party referred to in paragraph* (2) *above.*

FORM 3A

Rule 12(1) *Notice of Appeal Against Decision of Leasehold Valuation Tribunal*

To:—The Registrar,
Lands Tribunal

Type of hereditament and address to be copied from decision of Leasehold Valuation Tribunal.

Description of property.....
.....
.....
.....
.....
.....

Here state usual address.

I/We.....
of .....

hereby give notice of appeal against the decision in respect of the property described above of a leasehold valuation tribunal which sat at.....

Here insert place and date of decision.

..... on the.....
..... 19.....

Here state briefly the grounds of appeal and the amount of the price or revised rent or compensation claimed to be appropriate.

The grounds of appeal are that.....
.....
.....
.....
.....

Strike out words not applicable.

I/We do/do not propose to call an expert witness to give evidence in support of the valuations on which I/we shall rely at the hearing of the appeal.

Strike out words not applicable.

All communications regarding the appeal should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent.....
.....
of .....
.....]

Signed .....

Dated.....

Note:—The following documents **must** *be sent to the registrar with the notice of appeal—*

(1) a copy of the decision of the leasehold valuation tribunal appealed against;

(2) a list of the names and addresses of every party to the leasehold valuation tribunal proceedings; and

(3) sufficient copies of the notice of appeal for service by the registrar on the leasehold valuation tribunal and every party referred to in paragraph (2) above.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Lands Tribunal Rules 1975 in the following respects:—

Rule 3 defines "date of decision" in the Rules.

Rule 4 extends the time for lodging an appeal under Part III of the Lands Tribunal Rules 1975 from 21 to 28 days from the date of the decision appealed against. It also prescribes the form in which notice of appeal must be given; Form 3A is for appeals from Leasehold Valuation Tribunals under paragraph 2 of Part I of Schedule 22 to the Housing Act 1980 (c. 51) and Form 3 is the general form for other appeals under Part III.

Rule 5 requires a party who, under Rule 13 of the Lands Tribunal Rules 1975, gives written notice of his intention to appear on the hearing of an appeal to state, in addition to the matters listed in Rule 13, whether he intends to call an expert witness.

Rule 6 deletes from Rule 16(1) of the Lands Tribunal Rules 1975 the reference to Form 4B. Following the commencement of section 142 of the Housing Act 1980 by the Housing Act 1980 (Commencement No. 7) Order 1981 (S.I. 1981/119), the Lands Tribunal has only appellate jurisdiction in leasehold valuation cases and Form 4B is therefore obsolete.

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