EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

By virtue of section 16, 17 or 18 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, a statutory tenancy under the Rent Restrictions Acts may arise in respect of premises in which a service man was living immediately before beginning a period of service, if during that period his right to live there ends. Subsection (5) of section 16 (which is also applied by sections 17 (2) (*b*) and 18 (2) (b)) contains provisions for ascertaining the standard rent. These regulations prescribe the form of notice specifying the amount which is to be the standard rent which may be served by the landlord on the occupier of the premises in default of agreement between the parties as to that amount.

LANDS TRIBUNAL

The Lands Tribunal (Amendment) Rules, 1951

1951 No. 2004

Made - - - - 16*th November,* 1951
Coming into Operation 10*th December,* 1951

I, Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 3 of the Lands Tribunal Act, 1949(**a**), and with the approval of the Treasury in regard to the fee prescribed by these Rules, do hereby make the following Rules:—

1.—(1) These Rules may be cited as the Lands Tribunal (Amendment) Rules, 1951, and the Lands Tribunal Rules, 1949(**b**), and these Rules may be cited together as the Lands Tribunal Rules, 1949 and 1951.

(2) In these Rules a rule referred to by number means the rule so numbered in the Lands Tribunal Rules, 1949.

(3) These Rules shall come into operation on the tenth day of December, 1951.

2. In Rule 2, in the definition of "appeal against a determination" the words "under the Act or by virtue of any Order in Council made under section 4 of the Act" shall be omitted.

3. The following sentence shall be added at the end of paragraph (2) of Rule 8:—

"The registrar shall also inform the appellant of the date on which copies of the notice of appeal were served."

4. In paragraph (2) of Rule 9 for the words "the date of the notice of appeal" there shall be substituted the words "the date of service of the copy of the notice of appeal".

(a) 12, 13 & 14 Geo. 6. c. 42. (b) S.I. 1949 (No. 2263) I, p. 2420.

5.—(1) The following words shall be substituted for the introductory words of Rule 10:—

"Where notice of intention to appear has been given to the appellant and either the net annual value of the hereditament to which the appeal relates exceeds £200 or the appeal is on a point of law, the following provisions shall have effect".

(2) The following paragraph shall be substituted for paragraph (iii) of Rule 10:—

"(iii) the appellant shall send to the registrar with his Statement and every such party as aforesaid shall send to the registrar with his Reply:—

(*a*) a valuation of the hereditament (including particulars and computations in support of such valuation) or a statement of the value or values that the parties have agreed to attribute to the hereditament in the event of the tribunal allowing or dismissing the appeal, as the case may be, and

(*b*) a description of any comparable hereditaments to which the appellant or such party as aforesaid intends to refer at the hearing in support of his case,

together with sufficient copies of the documents for service upon each of the other parties to the appeal; and the registrar shall within seven days after receiving all the documents required to be supplied under this paragraph send to each party a copy of the documents supplied by the other parties."

6. The following paragraph shall be added at the end of Rule 11:—

"(vi) any question (not being an appeal against a determination) which, by or under any enactment other than the Act, is in default of agreement to be determined by the Lands Tribunal".

7. The following Rules shall be inserted after Rule 26:—

"*Default of appearance.*

26A. If, on an appeal against a determination or against the decision of a local valuation court or on an application under Part IV of these Rules, the appellant or applicant does not appear at the time and place appointed for the hearing the tribunal may dismiss the appeal or application, and if any other party to the proceedings or any party to a reference does not appear at such time and place as aforesaid the tribunal may hear and determine the appeal, application or reference in his absence and may make such order as to costs as it thinks fit."

"*Appellant limited to grounds of appeal.*

26B. On the hearing of an appeal against a determination or against the decision of a local valuation court or of an application under Part IV of these Rules the appellant or applicant shall not be entitled to rely upon any grounds not stated in his notice of appeal or Statement of case or application unless the tribunal thinks it just in all the circumstances, and on such terms as to costs or adjournment or otherwise as it may think fit, to allow such additional grounds to be put forward as may appear to the tribunal to be material."

8. The following Rule shall be substituted for Rule 29 :—

"*Right of Audience.*

29. In any proceedings before the tribunal any party may appear and be heard either in person, or by counsel or solicitor, or by any other person allowed by leave of the tribunal (or by leave of the President or the registrar in the case of an interlocutory application) to appear instead of any party."

9.—(1) The following Rule shall be substituted for Rule 35 :—

"*Application of Arbitration Act,* 1950.

35. Sections 12, 14, 15, 17 and 26 and subsection (5) of section 18 of the Arbitration Act, 1950, shall apply to all proceedings before the tribunal as they apply to an arbitration unless a contrary intention is expressed in the arbitration agreement; and, where the tribunal is acting as arbitrator under a reference by consent, sections 1, 2, 3, 5 and 27, subsection (1) of section 4, subsections (3) and (4) of section 18 and subsections (2) and (3) of section 24 of the Arbitration Act, 1950, shall also apply."

(2) The Second Schedule to the Lands Tribunal Rules, 1949, is hereby revoked.

10. In the Third Schedule to the Lands Tribunal Rules, 1949, paragraph 8(B) shall be amended by inserting after the words "(except on a dispute as to water rates)" the words "or on an application for a certificate of value".

Dated the sixteenth day of November, 1951.

Simonds, C.

We approve the fee prescribed by these Rules.

Herbert Butcher,
Edward Heath,
Lords Commissioners
of His Majesty's Treasury.

20th November, 1951.

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

The purpose of these Rules is to extend the Lands Tribunal Rules, 1949, to cases referred to the tribunal under Acts of Parliament passed since the Lands Tribunal Act, 1949; and to amend the 1949 Rules in regard to the right of audience before the Lands Tribunal, as well as the procedure on rating appeals, and to make other minor amendments in the 1949 Rules.