LANDS TRIBUNAL

1955 No. 54

The Lands Tribunal (Amendment) Rules, 1955

Made - - - - 10*th January*, 1955
Coming into Operation 17*th January*, 1955

I, David, Viscount Kilmuir, 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 fees prescribed by these Rules, do hereby make the following Rules:—

1.—(1) These Rules may be cited as the Lands Tribunal (Amendment) Rules, 1955, and the Lands Tribunal Rules, 1949 and 1951, and these Rules may be cited together as the Lands Tribunal Rules, 1949 to 1955.

(2) In these Rules, unless the context otherwise requires—

(*a*) a rule referred to by number means the rule so numbered in the Lands Tribunal Rules, 1949(b), as amended by the Lands Tribunal (Amendment) Rules, 1951(c);

(*b*) a form referred to by number means the form so numbered in the First Schedule to the Lands Tribunal Rules, 1949.

(3) These Rules shall come into operation on the seventeenth day of January, 1955.

2. In Rule 2 the following definition shall be substituted for the definition of "interested person":—

"'Interested person' means, in the case of an appeal against a determination, any person at whose instance an appeal against the determination will lie under the enactment conferring the right of appeal or, where the appeal is against a determination by the Central Land Board under the Claims for Depreciation of Land Values Regulations, 1948(d), or the Planning Payments (War Damage) Regulations, 1949(e), the claimant within the meaning of the former or, as the case may be, the latter of those Regulations;".

3. Rule 3 shall be amended as follows:—

(*a*) The following paragraph shall be inserted after paragraph (2):—

"(2A) In the case of an appeal against a determination by the Minister of Housing and Local Government, the Central Land Board, an acquiring authority or a local planning authority under section 13, 27, 31, 39, 40, 45, 48 or 66 of the Town and Country Planning Act, 1954(f), the notice of appeal shall be substantially in accordance with Form 1A".

(*b*) In paragraph (4) for the words "Order in Council" there shall be substituted the word "enactment".

(a) 12, 13 & 14 Geo. 6. c. 42. (b) S.I. 1949/2263 (1949 I, p. 2420).
(c) S.I. 1951/2004 (1951 I, p. 1235). (d) S.I. 1948/902 (Rev. XXII, p. 796: 1948 I, p. 4105).
(e) S.I. 1949/2255 (1949 I, p. 4046). (f) 2 & 3 Eliz. 2. c. 72.

4. In Rule 4 for the words "Order in Council" there shall be substituted the word "enactment".

5. The following Rule shall be inserted after Rule 5:—

"*Appearance by interested persons other than appellants*

5A.—(1) Where an appeal against a determination is pending, any interested person (not being the appellant), who claims to be entitled, under the enactment conferring the right of appeal, to be heard in the dispute, shall, if he intends to appear at the hearing, give written notice of his intention to the registrar, the determining authority and the appellant.

(2) Notice of intention to appear given by a person who has received a notice from the determining authority that a dispute has been referred to the Lands Tribunal shall be given not later than 21 days after receipt by him of that notice; and notice of intention to appear given by any other person shall be given not later than 3 days before the day fixed for the hearing.

(3) Every person giving notice of intention to appear under this Rule shall state in the notice—

(i) whether he has been notified that the dispute has been referred to the Lands Tribunal, and if so, by whom and on what date he was so notified;

(ii) the interest in land whereby he claims to be a person entitled to be heard in the dispute;

(iii) whether he intends to appear separately or jointly with some other person;

(iv) the grounds on which he intends to rely;

(v) whether he does or does not propose to call an expert witness;

(vi) an address at which documents may be served upon him.

(4) The registrar shall, on being requested so to do by any person who has given notice of intention to appear or who satisfies the registrar that he is a person qualified to give such a notice, supply such person with copies of the notice of appeal and of any relevant notice of intention to appear received by the registrar from any other person.

(5) Where a dispute as to a proposed apportionment or calculation has been referred to the Lands Tribunal under section 48 of the Town and Country Planning Act, 1954, any person who has received notice under paragraph (*b*) of subsection (3) of that section of the proposed apportionment or calculation, and any other person who is entitled to an interest in land substantially affected by the proposed apportionment or calculation, shall be entitled to be heard in the dispute and the foregoing provisions of this Rule shall apply accordingly."

6. The following paragraphs shall be substituted for paragraphs (1) and (2) of Rule 6:—

"(1) Subject to any direction which may be given by the President, the registrar may, at any time after receiving notice of appeal or notice of intention to appear, require the person giving the notice to furnish a statement setting out further and better particulars of the grounds on which he intends to rely and any facts and contentions relevant thereto.

(2) The statement shall be sent in duplicate to the registrar within such time as he may prescribe, not being less than 14 days after the date of the requirement, and copies of the statement shall be sent to such other

persons, if any, (being persons who have given notice of appeal or notice of intention to appear in relation to the same proceedings) as the registrar may direct".

7. In Rule 7 for the words "and to the appellant" there shall be substituted the words ", the appellant and any person from whom the authority has received a notice of intention to appear at the hearing".

8. The following Rules shall be inserted after Rule 10 and shall stand as Part IIA of the Lands Tribunal Rules, 1949:—

"PART IIA

Other Appeals

Notice of appeal

10A.—(1) Any appeal to the Lands Tribunal other than one to which Part I or Part II of these Rules applies may be instituted within 21 days from the date of the decision appealed against by sending to the registrar a written notice of appeal substantially in accordance with Form 3A, together with a copy of the decision.

The appellant shall at the same time inform the registrar of the names and addresses of the persons who were 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 persons and upon the court, authority or person from whose decision the appeal is brought.

(2) Upon receiving a notice of appeal the registrar shall—

(i) enter particulars of the appeal in the Register of Appeals,

(ii) forthwith serve a copy of the notice upon each of the persons (other than the appellant) who were parties to the dispute and upon the court, authority or person from whose decision the appeal is brought,

(iii) inform the appellant and every person upon whom a copy of the notice of appeal has been served of the number of the appeal entered in the register, which shall thereafter constitute the title of the appeal, and

(iv) inform the appellant of the date on which copies of the notice of appeal were served.

Notice of intention to appear

10B.—(1) Every party other than the appellant shall, if he intends to appear on the hearing of the appeal, give written notice of his intention so to do, stating—

(i) whether he intends to appear separately or jointly with some other person;

(ii) the grounds on which he intends to rely;

(iii) an address at which documents may be served upon him.

(2) The notice shall be given to the registrar and to the appellant within 21 days from the date of service of the copy of the notice of appeal.

Statement of case

10C. Where notice of intention to appear has been given, the provisions of sub-paragraphs (i) and (ii) of Rule 10 shall, if the registrar so directs, apply to the appeal as they apply to an appeal from a local valuation court."

9. The following Rule shall be inserted after Rule 13:—

"*Joinder of parties for purposes of section* 31 *of Town and Country Planning Act,* 1954

13A.—(1) Where a reference as to the amount of compensation payable to the owner of a relevant interest within the meaning of section 30 of the Town and Country Planning Act, 1954, involves a dispute as to the application of section 31 of that Act, any person who is entitled to be a party to that dispute under any regulations made by the Minister of Housing and Local Government under the said section 31 shall, if he intends to appear at the hearing, give written notice of his intention to the registrar and the parties to the reference not later than 21 days after receiving a notice under those regulations that he is so entitled.

(2) Every person giving notice of intention to appear under this Rule shall state in the notice—

(i) the date on which he was notified that he was entitled to be a party to the dispute;

(ii) whether he intends to appear separately or jointly with some other person;

(iii) the grounds on which he intends to rely;

(iv) whether he does or does not propose to call an expert witness;

(v) an address at which documents may be served upon him.

(3) The registrar shall, on being requested so to do by any person who has given notice of intention to appear or who satisfies the registrar that he is a person qualified to give such a notice, supply such person with copies of the notice of reference and of any relevant notice of intention to appear received by the registrar from any other person."

10. Rule 14 shall be amended as follows:—

(*a*) After the words "Law of Property Act, 1925," there shall be inserted the words "as amended by section 52 of the Landlord and Tenant Act, 1954(a),".

(*b*) For the figures "70" and "50" there shall be substituted the figures "40" and "25" respectively.

11. In sub-paragraph (ii) of paragraph (1) of Rule 23 for the words "in the case of an appeal against the decision of a local valuation court" there shall be substituted the words "in the case of any other appeal".

12. Rule 25 shall be amended as follows:—

(*a*) At the beginning of paragraph (2) there shall be inserted the words "Subject to the provisions of the next following paragraph".

(*b*) The following paragraph shall be inserted after paragraph (2):—

"(2A) Upon receiving notice of intention to appear from a person who is not already a party to the proceedings, the registrar shall send to that person a notice informing him of the place and approximate date of the hearing."

(*c*) In paragraph (3) for the words "Any party to whom such notice has been sent" there shall be substituted the words "Any person to whom notice has been sent under paragraph (2) or (2A) of this Rule".

(a) 2 & 3 Eliz. 2. c. 56.

13. In Rules 26A and 26B for the words " against a determination or against the decision of a local valuation court " there shall be substituted the words " under Part I, II or IIA of these Rules ".

14. The following paragraph shall be substituted for paragraph (6) of Rule 38:—

" (6) The registrar shall send copies of the decision to every party who has appeared before the tribunal, and—

(i) in the case of an appeal against the decision of a local valuation court, to the clerk of the local valuation panel from which that court was constituted and to the valuation officer ;

(ii) in the case of an appeal under Part IIA of these Rules, to the court, authority or person from whose decision the appeal was brought ".

15. The First Schedule to the Lands Tribunal Rules, 1949 shall be amended as follows:—

(*a*) Forms 1A and 3A in the Schedule to these Rules shall be inserted after Forms 1 and 3 respectively.

(*b*) In Form 5 for the figures " 70 " and " 50 " in the Particulars there shall be substituted the figures " 40 " and " 25 " respectively.

(*c*) Form 6 shall be amended as follows:—

(i) For the words " being entitled to the benefit " there shall be substituted the words " claim to be entitled to the benefit ".

(ii) The word " and " shall be inserted before the word " hereby ".

(iii) The following Note shall be added at the end of the form:—

" Note:—Claims for compensation can be considered only where the Tribunal is satisfied that the objector is entitled to the benefit of the restrictions ".

16. The Third Schedule to the Lands Tribunal Rules 1949 shall be amended as follows:—

(*a*) For Fee No. 1 there shall be substituted the following fee:—

" 1. On a notice of appeal under Part I or Part IIA of these Rules (not being an appeal against a determination by the Commissioners of Inland Revenue under the Finance (1909-10) Act, 1910) ... ... £1 0 0."

(*b*) The following fee shall be inserted after Fee No. 11:—

" 12. On supplying a copy of any document: for every 2 folios of 72 words or part thereof ... ... 1*s.*".

Dated the sixth day of January, 1955.

Kilmuir, C.

We approve the fees prescribed by these Rules

Hendrie D. Oakshott,
Martin Redmayne,
} Lords Commissioners of Her Majesty's Treasury.

10*th January,* 1955.

SCHEDULE

FORM 1A

Lands Tribunal Act, 1949

Rule 3(2A)

Notice of Appeal against the determination of a question under section 13 [*or, as the case may be,* section 27, 31, 39, 40, 45, 48 or 66] of the Town and Country Planning Act, 1954.

To:—The Registrar,
Lands Tribunal,
24, Abingdon Street,
London, S.W.1.

To be copied from the determination.

Description of land .....

.....

.....

Strike out words not applicable.

Minister's
Central Land Board's
Acquiring Authority's
Local Planning Authority's

Reference Number.....

Date of notice of determination.....

Here state usual address.

I/we .....

of .....

Strike out words not applicable.

being a person[s] having a right of appeal under [*here state the section of the Town and Country Planning Act, 1954, or the title of the regulations made thereunder giving the right of appeal*] hereby give notice of appeal against the above-mentioned determination by the Minister of Housing and Local Government [*or* the Central Land Board] [*or insert name of acquiring authority or local planning authority*].

Here state briefly the grounds of the appeal.

I/we dispute the findings [*or* an apportionment included in the findings] [*or as the case may be*] on the following grounds.....

.....

.....

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.

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

of.....].

Signed.....

Dated .....

FORM 3A

Lands Tribunal Act, 1949

Notice of Appeal under Part IIA

Rule 10A(1)

To:—The Registrar,
Land Tribunal,
24, Abingdon Street,
London, S.W.1.

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

I/we .....
of ..... Here state usual address.

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.
.....

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

Signed.....

Dated .....

Note:—A copy of the decision must be sent to the registrar with this Notice, together with a list of the names and addresses of the persons who were parties to the dispute in respect of which the decision was given. There must also be sent to the registrar sufficient copies of this Notice for service upon each of those persons and upon the court, authority or person from whose decision the appeal is brought.

EXPLANATORY NOTE

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

These Rules make the necessary amendments of the Lands Tribunal Rules, 1949 and 1951, to give effect to the provisions of the Landlord and Tenant Act, 1954, and the Town and Country Planning Act, 1954.

Part IIA prescribes the procedure on appeals (other than rating appeals) to which the court or authority from whose decision the appeal is brought is not a party (*e.g.*, appeals from the decision of a valuation officer as to the rateable value of premises for the purpose of section 37 of the Landlord and Tenant Act, 1954).

The new Rules 5A and 13A enable persons who are not appellants or respondents to appear at the hearing of certain appeals and references under the Town and Country Planning Act, 1954. A new form (Form 1A) is prescribed for appeals under that Act and the Regulations made thereunder. This will apply to appeals—

(i) under the Central Land Board Payments Regulations, 1954, against a finding or an apportionment by the Central Land Board;

(ii) under the Town and Country Planning (Compensation) Regulations, 1954, against a finding or an apportionment by the Minister of Town and Country Planning;
(iii) under the Acquisition of Land (Division of Unexpended Balance) Regulations, 1955, against a proposal by an acquiring authority;
(iv) under section 48 of the Town and Country Planning Act, 1954, against an apportionment or calculation by the Central Land Board;
(v) under the Town and Country Planning (Mortgages, Rentcharges, etc.) Regulations, 1955, against any part of a rentcharge notice sent by the Minister of Housing and Local Government under the Regulations.

LEGAL AID AND ADVICE, ENGLAND

1955 No. 1775 (C. 14)

The Legal Aid and Advice Act, 1949 (Commencement No. 5) Order, 1955

Made - - - - 25th November, 1955

Whereas it is provided by subsection (2) of section 17 of the Legal Aid and Advice Act, 1949(a) that Part I of the said Act shall come into force on such day as the Lord Chancellor may by statutory instrument appoint, and that different days may be appointed for different purposes:

Now, therefore, I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in pursuance of the said provision, hereby make the following order:—

1. The following provisions of the said Act shall come into force on the 1st day of January, 1956, namely—

(*a*) Sections 1 to 6 (except section 5) and the First, Second and Third Schedules, for the purpose only of making legal aid available in connection with proceedings in the following courts—
(i) any County Court;
(ii) the Chancery Court of the County Palatine of Durham;
(iii) the Mayor's and City of London Court;
(iv) the Liverpool Court of Passage;
(v) the Court of Record for the Hundred of Salford in the county of Lancaster;
(vi) the Tolzey Court of Bristol and
(vii) the Norwich Guildhall Court;

and proceedings before any person to whom a case is referred in whole or in part by any of those Courts;

(*b*) Section 12, sections 14 to 16 and subsections (1) and (2) of section 17 in so far as they relate to legal aid in connection with such proceedings.

2. This Order may be cited as the Legal Aid and Advice Act, 1949 (Commencement No. 5) Order, 1955.

3. The Interpretation Act, 1889(b) shall apply to the interpretation of this Order as to the interpretation of an Act of Parliament.

Dated this 25th day of November, 1955.

Kilmuir, C.

(a) 12, 13 & 14 Geo. 6. c. 51. (b) 52 & 53 Vict. c. 63.