STATUTORY INSTRUMENTS

# 1970 No. 858

# LANDS TRIBUNAL

## The Lands Tribunal (Amendment) Rules 1970

| | |
|---|---|
| *Made* - - - - | 1*st June* 1970 |
| *Coming into Operation* | 1*st July* 1970 |

The Lord Chancellor, in exercise of the powers conferred on him by section 3 of the Lands Tribunal Act 1949**(a)** and section 28(6) of the Law of Property Act 1969**(b)**, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1958**(c)**, and with the approval of the Treasury in regard to fees, hereby makes the following Rules:—

**1.** These Rules may be cited as the Lands Tribunal (Amendment) Rules 1970 and shall come into operation on 1st July 1970.

**2.**—(1) The Interpretation Act 1889**(d)** shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) In these Rules, unless the context otherwise requires, a Rule, Schedule or Form referred to by number means the Rule, Schedule or Form so numbered in the Lands Tribunal Rules 1963**(e)** as amended by the Lands Tribunal (Amendment) Rules 1968**(f)**.

**3.** In Rule 19 after the words "Landlord and Tenant Act 1954" there shall be inserted "and section 28 of the Law of Property Act 1969".

**4.** After Rule 22 there shall be inserted the following Rule:—

"22A. At any time after an objection to the application has been received by the Registrar, the Tribunal may, of its own motion, and shall, on the application of the applicant or of any person having given notice of objection, suspend the proceedings for such time as it may consider appropriate to enable an application to be made to the High Court for the determination of a question arising under subsection (2) of the section."

**5.** Schedule 1 shall be amended as follows:—

(i) In Forms 1 to 6, 6X and 9, for "W.1." (which appears in the address of the Registrar) there shall be substituted "WIR OER".

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**(a)** 1949 c. 42.
**(b)** 1969 c. 59.
**(c)** 1958 c. 66.
**(d)** 1889 c. 63.
**(e)** S.I. 1963/483 (1963 I, p. 532).
**(f)** S.I. 1968/1700 (1968 III, p. 4592).

(ii) In Form 6 after "Estate or interest in respect of which compensation is claimed. . . " there shall be inserted:-

"Where compensation is claimed for compulsory purchase, whether the acquiring authority has entered upon the land or possession has been given to such authority.....

If so, on what date.....".

(iii) The following form shall be substituted for Form 7:—

"FORM 7

*Application for Discharge or Modification of Restrictive Covenant under section* 84 *of the Law of Property Act* 1925 *as amended by section* 28 *of the Law of Property Act* 1969 — Rule 20(1)

To:— The Registrar,
Lands Tribunal,
3 Hanover Square,
LONDON,
W1R OER.

1. I/We ..... of..... being entitled to (*here state nature of interest*)..... in (*here describe land in which applicant is entitled to an interest*)..... .....which land is subject to a restriction of which particulars are set out in paragraph 2 below, hereby apply for an order that the restriction may be discharged wholly [*or* to the extent of (*here state extent of discharge applied for*).....]

Here state usual address. If there is more than one applicant, these particulars should be completed for each applicant.

[*or* may be modified by (*here state nature of modification applied for*) .....]

Strike out words not applicable.

[If the above-mentioned restriction is discharged [*or* modified] I/we agree that a further restriction may be imposed on the subject land in the following terms..... .....]

2. PARTICULARS OF RESTRICTION

Nature of restriction..... .....

Land affected by the restriction..... .....

Whether freehold land, or leasehold held for a term of more than 40 years whereof 25 years have expired.....

Manner and date of imposition of restriction..... .....

Nature and amount (if any) of consideration paid for the restriction at the time when it was imposed..... .....

Persons entitled to the benefit of the restriction (*here state names and addresses of such persons and the nature of their interests*)..... .....

3. The grounds of this application are that the application falls within paragraph(s).....(*here specify* (*a*), (*aa*), (*b*) *or* (*c*) *as appropriate*) of subsection (1) of section 84.

## 4. PARTICULARS OF APPLICATION

Strike out inapplicable entries.

[*Application within paragraph* (1)(*a*). The following are brief particulars of the changes in the character of the property or the neighbourhood or other circumstances relied on.....
.....
.....]

[*Application within paragraph* (1)(*aa*).

(i) The reasonable user(s) of the land which would be impeded by the continued existence of the covenant is (are).....
.....

[(ii) The restriction in impeding reasonable user(s) does not secure to persons entitled to the benefit of it any practical benefits of substantial value or advantage to them]

[(iii) The restriction is contrary to the public interest because.....
..... ]]

[*Application within paragraph* (1)(*b*). Brief particulars of the facts relied on to prove the express or implied agreement are.....
.....]

[*Application within paragraph* (1)(*c*). The discharge or modification of the restriction will not injure any person entitled to the benefit of it, because
.....

## 5. PLANNING FACTORS

Strike out inapplicable entries.

[(i) The following planning permissions have been granted or refused in relation to the property during the last 5 years.....
.....

[(ii) The following provisions in the relevant development plan directly affect the property.....
.....

[(iii) The following are brief particulars of a declared or ascertainable pattern for the grant or refusal of planning permission in the relevant area.....

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

Signed .....

Dated..... '

(iv) The following form shall be substituted for Form 8:—

"FORM 8

*Objection to Application for Discharge or Modification of Restrictive Covenant under section* 84 *of the Law of Property Act* 1925 *as amended by section* 28 *of the Law of Property Act* 1969 Rule 22

To:— The Registrar,
Lands Tribunal,
3 Hanover Square,
London,
W1R OER.

In the matter of an application made by..... under section 84 of the Law of Property Act 1925 as amended by section 28 of the Law of Property Act 1969. Here insert name(s) of applicant(s).

I/We ..... of..... Here state usual address.
hereby object to the said application.

I/We claim to be entitled to the benefit of the restriction to which the application relates by virtue of (*here state nature of interest*).....
.....

Particulars of the grounds of objection are:—(*here state briefly the grounds of objection*).....

[I/We accept the following facts stated in the application:—(*here set out any statements in paragraph* 4 *of the application which are admitted*)..... Strike out words not applicable.
.....]

[I/We accept the particulars of the relevant planning position given in paragraph 5 of the application]

[*or* The particulars given in paragraph 5 of the application are inaccurate or insufficient in the following respects:—(*here give corrected or further particulars*).....]

In the event of the said restriction being discharged or modified, I/we claim the sum of £.....to make up for any loss or disadvantage suffered by me/us in consequence of the discharge or modification
[*or* (*state other grounds*).....
.....]

The sum claimed is arrived at as follows:—
(*here give particulars of loss or disadvantage suffered and of quantification of compensation claimed*).....
.....

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

Signed.....

Dated .....

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

**6.** The following schedule shall be substituted for Schedule 2:—

"SCHEDULE 2

(*In this Schedule decimal equivalents are shown in brackets and italics*)

Rule 62 FEES

| Item | Fee |
|---|---|
| | £ s. d. |
| *Notices of appeal and reference, and applications* | |
| 1. On a notice of appeal under Part I or Part III of these Rules (not being an appeal against a determination by the Commissioners of Inland Revenue under the Finance (1909-10) Act 1910) and on a notice of reference under Part IV of these Rules (not being a reference under section 44(6) of the Finance Act 1965) ... ... ... ... ... | 2 0 0 |
| 2. On a notice of appeal under Part II of these Rules ... ... ... ... ... ... | 10 0 |
| 3. Under Part V of these Rules | |
| (*a*) on an application ... ... ... | 10 0 0 |
| (*b*) on notification to the registrar in accordance with Rule 21(3) ... ... ... | 5 0 0 |
| 4. On an application under Part VI of these Rules | |
| (*a*) for a definitive certificate ... ... | 10 0 0 |
| (*b*) for a temporary and definitive certificate | 15 0 0 |
| 5. On any application to the President, Tribunal or registrar, or for making a consent order ... | 10 0 |
| *Hearing fees* | |
| 6.—(*a*) On an appeal against the decision of a local valuation court and on an appeal by way of a reference by consent— | |
| (i) where net annual value does not exceed £250 ... ... ... ... ... | 1 0 0 |
| (ii) where net annual value exceeds £250 but does not exceed £500 ... ... | 2 0 0 |
| (iii) where net annual value exceeds £500 but does not exceed £1,000 ... ... | 5 0 0 |
| (iv) where net annual value exceeds £1,000 but does not exceed £5,000 ... | 10 0 0 |
| (v) where net annual value exceeds £5,000 | 25 0 0 |

| Item | Fee |
|---|---|
| | £ s. d. |
| (*b*) On an appeal against a determination under Part I (not being a determination by the Commissioners of Inland Revenue under the Finance (1909-10) Act 1910) or on a reference under Part IV of these Rules (not being a reference on a dispute as to water rates or under section 44(6) of the Finance Act 1965) or on an application for a certificate of value— | |
| where the amount awarded or determined by the Tribunal or agreed by the parties following a hearing | |
| (i) does not exceed £250 ... ... | 5 0 0 |
| (ii) exceeds £250 but does not exceed £500 | 5 0 0 with an addition of £1 in respect of every £50 or part of £50 by which the amount awarded exceeds £250 |
| (iii) exceeds £500 but does not exceed £5,000 ... ... ... ... | 10 0 0 with an addition of £1 in respect of every £100 or part of £100 by which the amount awarded exceeds £500 |
| (iv) exceeds £5,000 ... ... ... | 55 0 0 with an addition of £1 in respect of every £200 or part of £200 by which the amount awarded exceeds £5,000, but not exceeding in any case £250 |
| (*c*) On an appeal or reference where the award is in terms of rent or other annual payment, the following scale of fees shall be substituted for those payable under paragraph (*b*)— | |
| where the amount awarded | |
| (i) does not exceed £10 per annum ... | 5 0 0 |
| (ii) exceeds £10 per annum but does not exceed £25 per annum ... ... | 5 0 0 with an addition of £1 in respect of every £2 10s. [£*2·50p.*] or part of £2 10s. [£*2·50p.*] by which the rent etc., awarded exceeds £10 per annum |

| Item | Fee |
|---|---|
| | £ s. d. |
| (iii) exceeds £25 per annum but does not exceed £250 per annum ... ... | 11 0 0 with an addition of £1 in respect of every £5 or part of £5 by which the rent etc., awarded exceeds £25 per annum |
| (iv) exceeds £250 per annum ... ... | 56 0 0 with an addition of £1 in respect of every £10 or part of £10 by which the rent etc., awarded exceeds £250, but not in any case exceeding £250 |
| (*d*) On the hearing of an application or the making of an order under Part V of these Rules ... | 15 0 0 |
| (*e*) On the hearing of any other appeal or reference (not being an appeal against a determination by the Commissioners of Inland Revenue under the Finance (1909-10) Act 1910 or a reference under section 44(6) of the Finance Act 1965) in which no fee is payable by reference to an amount awarded ... ... ... ... ... | 5 0 0 |
| *Copies of documents* | |
| 7. On supplying and certifying a copy of an order or an award of the Tribunal ... ... | 10 0 [*50p.*] |
| 8. For a copy of all or part of any document (other than a copy on which Fee No. 7 is payable)— | |
| (*a*) not over foolscap or I.S.O. A4 size— | |
| (i) for each sheet of the first copy ... | 2 0 [*10p.*] |
| (ii) for each additional sheet ... ... | 1 0 [*5p.*] |
| (*b*) over foolscap or I.S.O. A4 size— | |
| (i) for each sheet of the first copy ... | 4 0 [*20p.*] |
| (ii) for each additional sheet ... ... | 2 0 [*10p.*] |
| 9. On a case for the decision of the Court of Appeal— | |
| (*a*) drawing case, if not drawn by the parties | 10 0 [*50p.*] |
| (*b*) attending the President or the Tribunal settling case ... ... ... ... ... | 2 0 0 |
| 10. On taxation of a bill of costs, for every £2 or fraction thereof allowed ... ... ... ... | 1 0 [*5p.*] |

*Directions for payment*

11. A document transmitted by post for stamping shall be accompanied by a cheque, money order or postal order drawn to the order of the Inland Revenue, for the amount of fee payable."

Dated 28th May 1970.

*Gardiner*, C.

We approve the amendments made by these Rules to the fees prescribed in Schedule 2 to the Lands Tribunal Rules 1963 as amended by Rule 10 of the Lands Tribunal (Amendment) Rules 1968.

Dated 1st June 1970.

*Walter Harrison*,
*E. G. Perry*,
Two of the Lords Commissioners
of Her Majesty's Treasury.

## EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules amend the Lands Tribunal Rules 1963. Following the amendment of section 84 of the Law of Property Act 1925 (C.5) by section 28 of the Law of Property Act 1969, changes are made in the procedure on applications for the discharge or modification of restrictive covenants, and revised forms for such applications and for objections to them are prescribed. Among other minor amendments a new schedule of fees contains revised fees for copies of documents and provides for the forthcoming decimalisation of the coinage.

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