STATUTORY INSTRUMENTS

1977 No. 1820

LANDS TRIBUNAL

The Lands Tribunal (Amendment) Rules 1977

Made - - - -	*3rd November* 1977
Coming into Operation	*12th December* 1977

The Lord Chancellor, in exercise of the power conferred on him by section 3 of the Lands Tribunal Act 1949(**a**), as amended by paragraph 3 of Schedule 10 to the Community Land Act 1975(**b**), and by section 28(6) of the Law of Property Act 1969(**c**), after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(**d**), 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 1977 and shall come into operation on 12th December 1977.

2. In these Rules "the principal Rules" means the Lands Tribunal Rules 1975(**e**).

3. Rule 2 of the principal Rules is amended by inserting, immediately after paragraph (2) thereof, a new paragraph as follows—

"(2A) In these Rules any reference to the hearing of any proceedings includes, unless the context otherwise requires, the determination of proceedings without an oral hearing."

4. Rule 3 of the principal Rules is amended—

(*a*) by inserting after the words "against a determination", where they appear in paragraph (1) thereof, the words "(other than an appeal made in accordance with the provisions of paragraph 7 of Schedule 4 to the Finance Act 1975(**f**) which shall be instituted as therein provided)"; and

(*b*) by inserting after the words "the notice of appeal", where they appear in paragraph (4) thereof, the words "sent to the Registrar under paragraph (1) of this rule."

5. The principal Rules are amended by inserting, immediately after rule 3 thereof, a new rule as follows—

"*Notice of Appeal against Determination under Finance Act* 1975

3A. The Comissioners of Inland Revenue, on receiving a notice of appeal in accordance with paragraph 7 of Schedule 4 to the Finance Act 1975(**f**), may at any time thereafter, and shall forthwith upon being requested so to do in writing by the person who gave the said notice, transmit the notice to the Registrar."

(**a**) 1949 c. 42. (**b**) 1975 c. 77. (**c**) 1969 c. 59.
(**d**) 1971 c. 62. (**e**) S.I. 1975/299 (1975 I, p. 765). (**f**) 1975 c. 7.

6. Rule 4 of the principal Rules is amended by re-numbering it as paragraph "(1)" and by adding, immediately thereafter, a new paragraph as follows—

"(2) This Rule shall not apply to a notice of appeal made under paragraph 7 of Schedule 4 to the Finance Act 1975(**a**)".

7. Rule 5 of the principal Rules is amended by adding thereto a proviso as follows—

"Provided that the foregoing provisions in regard to the duplicate notice shall not apply in relation to an appeal made in accordance with paragraph 7 of Schedule 4 to the Finance Act 1975(**a**)."

8. The principal Rules are amended by substituting for rule 33 a new rule, and by adding immediately thereafter a further rule, as follows—

"*Sittings of Tribunal*

33. The Tribunal shall sit in public unless it is determining an appeal, reference or application without a hearing in accordance with the provisions of Rule 33A or it is acting as an arbitrator under a reference by consent.

Contested proceedings without hearing

33A.—(1) Notwithstanding the provisions of rule 39 as to oral evidence and of rule 44, but subject to the provisions of paragraph (2) below, the Tribunal shall have power to determine any appeal, reference or application without an oral hearing and any party to any proceedings instituted under these Rules may apply to the registrar in accordance with the provisions of rule 45 for a direction that the Tribunal shall exercise this power.

(2) An order shall not be made on an application under this rule in respect of any proceedings relating to the amount of compensation—

(i) which is payable in respect of the compulsory acquisition of land; or

(ii) which depends directly or indirectly on the value of any land

without the consent signed by or on behalf of the person who is claiming such compensation.

(3) After an order has been made that the Tribunal will determine certain proceedings without an oral hearing, the Tribunal may, of its own motion or on the application of any party to those proceedings, require any party to the proceedings to furnish to the Tribunal such statements of case, or reply thereto, or further and better particulars thereof, as the Tribunal may specify.

(4) After an order has been made that the Tribunal will determine certain proceedings without an oral hearing, any party to those proceedings may submit in writing to the Tribunal any representations which he wishes the Tribunal to take into consideration.

(**a**) 1975 c. 7.

(5) Any statements, replies or particulars required by virtue of paragraph (3) above, and any representations made by any party, and any document or other information required to be delivered by any party to any proceedings to which this rule applies in accordance with the provisions of rule 40, shall be sent to the registrar, together with sufficient copies of the same for all the other parties to the proceedings, within 28 days of the order or requirement (as the case may be).

(6) The registrar shall, within 7 days of receiving by virtue of this rule any statements, replies, particulars, representations, document or other information, send to every other party to the proceedings a copy of the same.

(7) If, after having received a copy of any statements, replies, particulars, representations, document or information under paragraph (6) above, any party to any proceedings wishes to make any representations to the Tribunal he may submit the same in writing to the registrar within 28 days of the receipt by him of the said copy and the provisions of paragraph (5) and (6) above shall apply to such representations; but no party to any proceedings shall make any representations on more than one occasion in those proceedings except by the leave of the Tribunal or the registrar.

(8) If any party to any proceedings to which this rule applies intends to rely upon the evidence of an expert witness, then the provisions of rule 42 shall apply as if references in that rule to the calling of witnesses and the hearing of evidence were references to representations.

(9) The Tribunal may at any time and for any reason order that proceedings which it was in the process of deciding without an oral hearing shall be heard and may thereupon give directions for the disposal of those proceedings in accordance with these rules.

(10)(*a*)(i) If an application under paragraph (1) above is made in any proceedings before a notice of intention to appear has been given in accordance with rule 6, 10 or 13 or, such notice having been given in accordance with rule 10 before any statement of case or reply has been sent to the registrar in accordance with rule 11, then the time limits specified in rules 10 and 11 respectively shall run from the date upon which an order is made in accordance with this rule that those proceedings shall be heard.

(ii) Where notice of intention to appear is given in accordance with rule 6, 10 or 13 in any proceedings in respect of which an application is made under paragraph (1) above, whether such notice is given before or after such application is made, that notice shall be of no effect as regards appearance unless an order is made in accordance with this rule that the proceedings shall be heard, but the notice shall otherwise be effective according to its tenor subject, however, to the provisions of this rule; and save as aforesaid rule 10 shall not apply to any proceedings to which this rule applies.

(iii) Where any of the provisions of rule 11 have been complied with in proceedings in respect of which an order is made under this rule that those proceedings will be determined without an oral hearing and before that order is made, the statement of case or reply and accompanying documents shall be treated as representations made in accordance

with the provisions of this rule; and save as aforesaid rule 11 shall not apply to any proceedings to which this rule applies.

(*b*) Rules 52 and 53 shall not apply to any proceedings to which this rule applies".

9. Paragraph (1) of Rule 35 of the principal Rules is amended—

(i) by substituting for the words "sit with", where they occur therein, the words "be assisted by"; and

(ii) by inserting after the word "hear", where it occurs therein, the words "or determine".

10. Schedule 2 to the principal Rules is amended—

(i) by inserting after the words "the Finance (1909-10) Act 1910" the words "or under the Finance Act 1975"; and

(ii) by inserting after the words "under section 47(1)" the words "or section 47A"

where those first-mentioned words occur in items 1 and 6(2) and (5) therein.

Dated 26th October 1977.

Elwyn-Jones, C.

We approve the fees prescribed by these Rules in respect of proceedings before the Lands Tribunal.

Dated 3rd November 1977.

T. E. Graham,

David Stoddart,

Two of the Lord's Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

These Rules amend the Lands Tribunal Rules 1975 so as to enable proceedings before the Tribunal to be disposed of without the necessity of an oral hearing, thus saving the expenses incurred by the attendance of parties, lawyers and witnesses. The Rules also provide for the determination of appeals under the Finance Act 1975.

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