STATUTORY INSTRUMENTS

1981 No. 105

LANDS TRIBUNAL

The Lands Tribunal (Amendment) Rules 1981

Made - - - -	*26th January* 1981
Coming into operation	*1st March* 1981

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

1. These Rules may be cited as the Lands Tribunal (Amendment) Rules 1981 and shall come into operation on 1st March 1981.

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

3. The principal Rules shall be amended by deleting rule 7 and by substituting for rule 40 the following:—

"Power to order discovery, etc.

40.—(1) The Tribunal or, subject to any direction given by the Tribunal, the registrar may on the application of any party to the proceedings or of its or his own motion order any party:—

(*a*) to deliver to the registrar any document or other information which the Tribunal may require and which it is in the power of the party to deliver;

(*b*) to afford to every other party to the proceedings an opportunity to inspect those documents (or copies of them) and to take copies;

(*c*) to deliver to the registrar an affidavit or make a list stating whether any document or class of document specified or described in the order or application is, or has at any time been in his possession, custody or power, and stating when he parted with it;

(*d*) to deliver to the registrar a statement in the form of a pleading setting out further and better particulars of the grounds on which he intends to rely and any relevant facts or contentions;

(**a**) 1949 c.42, as amended by paragraph 3 of Schedule 10 to the Community Land Act 1975 (c.77), and by section 28(6) of the Law of Property Act 1969 (c.59).
(**b**) 1971 c.62.
(**c**) S.I. 1975/299; the amending instrument is S.I. 1977/1820.

(*e*) to answer interrogatories on affidavit relating to any matter at issue between the applicant and the other party; or

(*f*) to deliver to the registrar a statement of agreed facts, facts in dispute and the issue or issues to be tried by the Tribunal:

Provided that nothing in this rule shall be deemed to require any information to be disclosed contrary to the public interest.

(2) Where an order is made under paragraph (1) above, in the case of proceedings other than those to which rule 33A (5) applies, the Tribunal or the registrar, as the case may be, may give directions as to the time within which any document is to be sent to the registrar (being at least 14 days from the date of the direction) and the parties to whom copies of the document are to be sent.

(3) The provisions of rule 45 shall apply to this rule as appropriate to applications and in relation to cases where the registrar acts of his own motion."

4. The principal Rules shall be amended by inserting after rule 45 a further rule, as follows:—

"Pre-trial review

45A.—(1) The Tribunal and, subject to any direction given by the Tribunal, the registrar, may on the application of a party to the proceedings or of its or his own motion order a pre-trial review to be held on a day being not less than 14 days after the making of the order unless the parties to the proceedings agree otherwise and the registrar shall send to each party to the proceedings a notice informing him of the place and date of the pre-trial review.

(2) On the pre-trial review the Tribunal or the registrar shall give all such directions as appear necessary or desirable for securing the just, expeditious and economical disposal of the proceedings.

(3) The Tribunal or the registrar shall endeavour on the pre-trial review to secure that the parties make all such admissions and agreements as ought reasonably to be made by them in relation to the proceedings and may record in the order made on the review any admission or agreement so made or any refusal to make any admission or agreement.

(4) Where any party seeks a specific direction, he shall, so far as practicable, apply for such direction on the pre-trial review and shall give to the registrar and every other party notice of his intention to do so, and if an application which might have been made on the review is made subsequently the applicant shall pay the costs of and occasioned by the application, unless the Tribunal is of the opinion that there was sufficient reason for the application not having been made on the review.

(5) The provisions of rule 45 relating to interlocutory applications shall have effect as if the pre-trial review were the hearing of an interlocutory application and accordingly the Tribunal or the registrar may, on the review, exercise any of the powers exercisable on an interlocutory application and may do so of its or his own motion.

(6) If any party does not appear on the pre-trial review the Tribunal or the registrar, after giving the parties an opportunity to be heard, may make such order as may be appropriate for the purpose of expediting or disposing of the proceedings."

Extension of time in rating appeals

5. Rule 48 (1) of the principal Rules shall be amended by deleting the words "(not being the time appointed for appealing against the decision of a local valuation court)".

Power to adjourn

6. Rules 11(3) and 42(6) of the principal Rules shall be amended by deleting, in each case, the words "the Tribunal shall, unless it is satisfied that no prejudice to any other party will arise" and substituting the words "the Tribunal may".

Costs

7. Rule 56 of the principal Rules shall be amended by inserting after paragraph (1) the following:—

"(1A) Without prejudice to paragraph (1) above, the registrar may make a recommendation to the Tribunal as to the award of costs in respect of any application or proceedings heard by him.

(1B) Any party dissatisfied with a recommendation of the registrar under paragraph (1A) above may, within 10 days of the recommendation, appeal to the Tribunal or, where no member of the same has been selected as respects the proceedings, to the President against the recommendation and the Tribunal or, as the case may be, the President may thereupon make such order as to the payment of costs as it or he thinks just, including an order as to the payment of the costs of the appeal."

Dated 26th January 1981. *Hailsham of St. Marylebone,* C.

EXPLANATORY NOTE

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

These Rules amend the Lands Tribunal Rules 1975 in the following respects.

Rule 3 empowers the Tribunal or the registrar to order discovery of documents, delivery of further and better particulars, the answering of interrogatories and the filing of statements of agreed facts.

Rule 4 empowers the registrar to hold a pre-trial review so as to expedite the progress of proceedings.

Rule 5 enables the 28 day time limit within which rating appeals from local valuation courts must be commenced to be extended in exceptional circumstances.

Rule 6 converts the Tribunal's obligation to adjourn proceedings in certain cases into a discretion.

Rule 7 empowers the registrar to make a recommendation to the Tribunal as to the costs of proceedings and applications heard by him.

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