LANDS TRIBUNAL

1. *Commencement of* 1949 *Act.* | 2. *Rules.*

1. COMMENCEMENT OF 1949 ACT

The Lands Tribunal Act (Appointed Day) Order, 1949

1949 No. 2335

Made - - - - 15th December, 1949

At the Court at Buckingham Palace, the 15th day of December, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas it is provided by subsection (2) of section ten of the Lands Tribunal Act, 1949(a), that sections one to four of that Act shall come into force on such day as His Majesty may by Order in Council appoint, and that different days may be appointed for Scotland and for the remainder of the United Kingdom:

Now, therefore, His Majesty, in pursuance of subsection (2) of section ten of the said Act, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. Sections one to four of the Lands Tribunal Act, 1949, shall come into force in all parts of the United Kingdom except Scotland on the first day of January, 1950.

2.—(1) This Order may be cited as the Lands Tribunal Act (Appointed Day) Order, 1949.

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

E. C. E. Leadbitter.

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2. RULES

The Lands Tribunal Rules, 1949

1949 No. 2263 (L. 29)

Made - - - - 5th December, 1949
Coming into Operation 1st January, 1950

I, William Allen, Viscount Jowitt, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by the Lands Tribunal Act, 1949(a), nad with the approval of the Treasury in regard to the fees pre-

(a) 12, 13 & 14 Geo. 6. c. 42. (b) 52 & 53 Vict. c. 63.

scribed by these Rules in respect of proceedings before the Lands Tribunal, do hereby make the following Rules:—

Preliminary

Citation and commencement

1. These Rules may be cited as the Lands Tribunal Rules, 1949, and shall come into operation on the first day of January, 1950.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"The Act" means the Lands Tribunal Act, 1949;

"The Act of 1919" means the Acquisition of Land (Assessment of Compensation) Act, 1919(**a**);

"The President" means the President of the Lands Tribunal, or the member appointed under the provisions of the Act to act for the time being as deputy for the President;

"Tribunal" means the member or members of the Lands Tribunal selected to deal with a case under the provisions of subsection (2) of section 3 of the Act;

"The registrar" and "the office" mean respectively the registrar and the office for the time being of the Lands Tribunal;

"Appeal against a determination" means an appeal against a determination of any question by any Government department, authority or person from which, under the Act or by virtue of any Order in Council made under section 4 of the Act, an appeal lies to the Lands Tribunal and to which appeal the determining authority is the respondent;

"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 a right of appeal or, where the appeal is against a determination by the Central Land Board, the claimant within the meaning of the Claims for Depreciation of Land Values Regulations, 1948(**b**), or, as the case may be, the Planning Payments (War Damage) Regulations, 1949(**c**);

"Net annual value" means the net annual value of the hereditament to which an appeal relates as appearing in the valuation list, or, if the net annual value of the hereditament does not appear in the valuation list, the rateable value as so appearing;

"Valuation list" includes a draft valuation list;

"Valuation officer" has the meaning assigned to it by section 33 of the Local Government Act, 1948(**d**).

(2) A Form referred to by number means the Form so numbered in the First Schedule to these Rules.

(3) The Interpretation Act, 1889(**e**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(**a**) 9 & 10 Geo. 5. c. 57. (**b**) S.I. 1948 (No. 902) I, p. 4105.
(**c**) S.I. 1949 No. 2255, p. 4046 below. (**d**) 11 & 12 Geo. 6. c. 26.
(**e**) 52 & 53 Vict. c. 63.

PART I

Appeals against Determinations

Notice of appeal

3.—(1) An appeal against a determination may be instituted by sending to the registrar in duplicate a written notice of appeal.

(2) In the case of an appeal against a determination by the Central Land Board under the Claims for Depreciation of Land Values Regulations, 1948, or the Planning Payments (War Damage) Regulations, 1949, the notice of appeal shall be substantially in accordance with Form 1.

(3) In the case of an appeal against any determination by the Commissioners of Inland Revenue in respect of which, but for the provisions of the Act, there would be a right of appeal to one of the panel of referees appointed under Part I of the Finance (1909-10) Act, 1910(a) (including an appeal against a decision of the Commissioners under section 60 of that Act) the notice of appeal shall be substantially in accordance with Form 2.

(4) In the case of any other appeal against a determination, the notice of appeal shall, unless otherwise provided by the Order in Council by virtue of which an appeal against the determination lies to the Lands Tribunal, state:—

(i) the name and address of the appellant;

(ii) the name of the determining authority and the date, reference number and short particulars of the determination;

(iii) the description of the land or hereditament which is the subject of the appeal;

(iv) the question which the appellant requires to be determined by a tribunal, including a statement of the figure representing the amount or value which the appellant requires to be so determined;

(v) the grounds of appeal;

(vi) whether the appellant does or does not propose to call an expert witness to give evidence in support of any valuation;

(vii) an address to which communications regarding the appeal should be sent.

The President may, if he thinks fit, prescribe forms of notice of appeal for use in connection with appeals to which this paragraph applies.

Time for giving notice

4. A notice of appeal shall not be valid unless it is given by an interested person and is sent to the registrar within 30 days from the date on which notice of the determination was served upon the appellant, or within such other time as may be prescribed by the Order in Council by virtue of which an appeal against the determination lies to the Lands Tribunal.

Entry of appeal

5.—(1) Upon receiving a notice of appeal, the registrar shall enter particulars of the appeal in the Register of Appeals against Determinations and shall forthwith send the duplicate notice to the determining authority and

(a) 10 Edw. 7. & 1 Geo. 5. c. 8.

shall inform the appellant and the determining authority of the number of the appeal entered in the register, which shall thereafter constitute the title of the appeal.

(2) Upon receiving the duplicate notice of appeal the determining authority shall forthwith send to the registrar a copy of the determination referred to therein.

Power to require further particulars

6.—(1) Subject to any directions which may be given by the President, the registrar may, at any time after receiving a valid notice of appeal, require an appellant to furnish a statement setting out further and better particulars of the grounds of appeal and any facts and contentions relevant thereto.

(2) The appellant shall, within such time as may be prescribed by the registrar, not being less than 14 days after the date of the requirement, send the statement to the registrar in duplicate and shall send copies thereof to such other appellant, if any, being an appellant who has given notice of appeal against the same determination, as the registrar may direct.

(3) Upon receipt of the statement the registrar shall forthwith send a duplicate copy thereof to the determining authority.

Power to require particulars of determination

7. The President or the tribunal may at any time request the determining authority to furnish particulars of any determination which appear to be requisite for the decision of the appeal, and thereupon the determining authority shall furnish the particulars to the registrar and to the appellant.

PART II

Appeals from local valuation courts

Notice of appeal

8.—(1) An appeal against the decision of a local valuation court may be instituted within 21 days from the date of the decision by sending to the registrar a written notice of appeal substantially in accordance with Form 3, together with a copy of the decision appealed against.

The appellant shall at the same time inform the registrar of the names and addresses of the persons who appeared as parties to the proceedings before the local valuation court and shall supply the registrar with sufficient copies of the notice of appeal for service upon each of those persons and upon the valuation officer (if he was not a party to the proceedings).

(2) Upon receiving a notice of appeal, the registrar shall enter particulars of the appeal in the Register of Rating Appeals and shall forthwith serve a copy of the notice upon each of the persons (other than the appellant) who appeared as parties to the proceedings before the local valuation court and upon the valuation officer and shall 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.

Notice of intention to appear

9.—(1) Every person upon whom a copy of the notice of appeal is served 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) whether he does or does not propose to call an expert witness to give evidence in support of any valuation;

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

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

(3) Nothing in this Rule shall be deemed to entitle the valuation officer to appear on the hearing of an appeal if he was not a party to the proceedings before the local valuation court.

Statement of case and exchange of valuations

10. Where the net annual value of the hereditament to which the appeal relates exceeds £200, and notice of intention to appear has been given to the appellant, the following provisions shall have effect:—

(i) Within 28 days after the time limited by the last foregoing Rule for giving such notice, the appellant shall send to the registrar, and to each party by whom notice has been given, a Statement of his case, including the facts to be proved and the points of law (if any) upon which the appellant intends to rely at the hearing;

(ii) any party who intends to appear in opposition to the appeal shall, within 28 days after receiving the appellant's Statement, send to the registrar and to the appellant a Reply stating his case, including the facts to be proved and the points of law (if any) upon which that party intends to rely at the hearing;

(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 valuation of the hereditament (including particulars and computations in support of such valuation) and a description of any comparable hereditaments to which the appellant or that party, as the case may be, 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 7 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;

(iv) if, at the hearing of the appeal, any party seeks to rely upon any valuation or other document which appears to the tribunal not to have been sent to the registrar in accordance with the last foregoing paragraph the tribunal shall, unless it is satisfied that no prejudice to any other party will arise, adjourn the hearing on such terms as to costs or otherwise as it thinks fit.

PART III

References

Application of Part III

11. This Part of these Rules applies to:—

(i) any question (not being an appeal against a determination) which is by any Act directed to be determined by an official arbitrator appointed under the Act of 1919;

(ii) any question of disputed compensation under the Lands Clauses Acts, where the claim is for the injurious affection of any land and is against an authority to which the Act of 1919 applies;

(iii) any question arising on an acquisition by any such authority as to the apportionment mentioned in section 116 of the Lands Clauses Consolidation Act, 1845(a) of any rent charge or other matter to which that section applies;

(iv) any dispute in relation to water rates on which, but for the provisions of the Act, an appeal or reference to the county court might be made by virtue of section 62 or section 87 of the Local Government Act, 1948;

(v) any case in which the Lands Tribunal is acting as arbitrator under a reference by consent.

Notice of reference

12.—(1) Proceedings for the determination of any question or dispute to which this Part of these Rules applies may be instituted by any party who requires to have the question or dispute determined sending to the registrar a notice of reference substantially in accordance with Form 4, together with sufficient copies thereof for service upon each of the other parties to the proceedings.

(2) Where the question is one of disputed compensation on the compulsory acquisition of land, there shall be sent to the registrar with the notice of reference a copy of the notice to treat (if such notice has been served) and of any notice of claim and any amendment thereof delivered to the acquiring authority in pursuance of subsection (2) of section 5 of the Act of 1919.

(3) A notice of reference in respect of any question to which paragraph (i), (ii) or (iii) of the last foregoing Rule applies shall not be given before the expiration of 30 days from the date of service or constructive service of notice to treat or (where no notice to treat is served or is deemed to be served) of notice of claim.

Entry of reference

13. Upon receiving a notice of reference, the registrar shall enter particulars thereof in the Register of References, and shall forthwith send a copy of the notice to each of the parties to the proceedings (other than the party or parties by whom the notice of reference is signed) and shall inform all the parties of the number of the reference, which shall thereafter constitute the title of the proceedings.

(a) 8 & 9 Vict. c. 18.

PART IV

Applications under s. 84 of the Law of Property Act, 1925(a)

Interpretation

14. In this Part of these Rules, unless the context otherwise requires, " the section " means section 84 of the Law of Property Act, 1925, and " restriction " means a restriction, arising under a covenant or otherwise, as to the user of any freehold land or of any leasehold land held for a term of more than 70 years of which at least 50 years have expired, or of the building on any such land.

Method of making application

15.—(1) Any person interested in any land affected by a restriction who wishes to make an application under the section shall send to the registrar in duplicate an application substantially in accordance with Form 5.

(2) An application may be made by two or more persons jointly, whether the land in which they are interested is the same land or different parts of the land affected by the restriction.

Publication of notices

16.—(1) Upon receiving an application, the President shall determine what notices are to be given, and whether by way of advertisement or otherwise, to persons who appear to be entitled to the benefit of the restriction and may for this purpose require the applicant to furnish any documents or other information which it is in his power to furnish.

(2) The notices shall require persons claiming to be entitled to the benefit of the restriction, who object to the discharge or modification proposed by the application, or who claim compensation for such discharge or modification, to send to the registrar and to the applicant, within such time, not being less than 14 days from the date of the notices, as may be specified, any objections that they may have to the application and a statement of the amount of any compensation claimed by them for the discharge or modification of the restriction.

(3) The applicant shall give such notices as may be directed by the President under the foregoing provisions of this Rule and shall notify the registrar in writing that this has been done.

Notice of objection

17. An objection to the application and claim for compensation shall be substantially in accordance with Form 6.

Powers of President

18.—(1) If no notice of objection to the application is received by the registrar within the time allowed for the purpose, the President may make an order in the terms of the application without any formal hearing by a tribunal.

(2) The President may, if, having regard to the interest of the applicant, it appears to him that the applicant is not a proper person to make an application, dismiss the application without referring it to a tribunal for decision.

(a) 15 & 16 Geo. 5. c. 20.

Power to direct additional notices

19. If, at the hearing of an application, it appears to the tribunal that any person who has not received notice of the application otherwise than by advertisement is a person to whom specific notice should be given, the tribunal may require the applicant to give notice to that person and may adjourn the hearing for the purpose of enabling such person to make an objection or a claim for compensation.

Enquiries of local authorities

20. If, either before or at the hearing of an application, it appears to the President or to the tribunal that it is expedient to make enquiries of any local authority within whose area the land affected by the restriction is situated, the President or the tribunal may direct such enquiries to be made as he or it may think fit and may adjourn the case until the local authority's reply has been received.

Provisions as to orders

21.—(1) Where a restriction is discharged (in whole or in part) or modified subject to the payment of any compensation awarded by the tribunal, the order of the tribunal shall not, so far as it affects such discharge or modification, come into operation until the registrar, by endorsement on the order, certifies that the compensation has been paid or satisfied.

(2) The tribunal may direct that the compensation shall be paid or satisfied within a specified time and that unless it is so paid or satisfied the order shall cease to have effect on the expiration of the time so specified.

(3) The tribunal may direct that any compensation awarded shall be paid into court.

PART V

Procedure

Interlocutory applications

22.—(1) Except where these Rules otherwise provide, any application for directions of an interlocutory nature in connection with any proceedings shall, unless otherwise ordered by the President, be made to the registrar.

(2) The application shall be made in writing and shall state the title of the proceedings and the grounds upon which the application is made.

(3) If the application is made with the consent of all parties, it shall be accompanied by consents signed by or on behalf of the parties.

(4) If the application is not made with the consent of all parties, then, before it is made, a copy thereof shall be served upon each party and the application shall state that this has been done.

(5) Any party who objects to the application may, within 7 days after receiving a copy thereof, send written notice of objection to the registrar and to the applicant, and before making any order on the application the registrar shall consider any objections which he may have received and, if so required by any party, shall give all parties an opportunity of appearing before him.

(6) In dealing with any application under this Rule, the registrar shall have regard to the convenience of the parties and the desirability of limiting so far as practicable the costs of the proceedings and shall communicate his decision in writing to each party thereto.

(7) The registrar may, and shall if so required by the applicant or by any party objecting to an application under this Rule, refer the application to the President for decision.

(8) Any party aggrieved by a decision of the registrar on an application under this Rule may appeal to the President by giving notice in writing to the registrar and to every other party within 4 days after receiving notice of the decision, or within such further time as may be allowed by the registrar, but an appeal from a decision of the registrar shall not act as a stay of proceedings unless so ordered by the President.

(9) Where an application under this Rule is made—

(i) as respects a case which has been included by the President in a class or group of cases under the provisions of subsection (2) of section 3 of the Act, or

(ii) as respects a case for which a tribunal has been selected,

the powers and duties of the President under this Rule may be exercised and discharged in relation to the application by any member or members of the Lands Tribunal authorised by the President in that behalf.

Consolidation of appeals or references

23.—(1) Where more than one notice of appeal or notice of reference has been given in respect of the same land or hereditament, an application to the registrar, in accordance with the provisions of Rule 22, for an order that the appeals or references shall be heard together may be made by—

(i) the determining authority, in the case of an appeal against a determination;

(ii) any person who has given notice of intention to appear in opposition to the appeal, in the case of an appeal against the decision of a local valuation court;

(iii) the authority liable for the payment of compensation, in the case of a reference.

(2) Where any such notices of appeal or notices of reference have been given as are referred to in the last foregoing paragraph, the President or the tribunal may, without any application in that behalf, make an order that the appeals or references shall be heard together.

(3) An order for consolidation may be made with respect to some only of the matters to which the notices of appeal or notices of reference relate.

Power to select test case in rating appeals

24. Where two or more appeals against the decision of a local valuation court appear to the President to involve the same point or points of law he may, with the consent in writing of all parties to the appeals, direct that one appeal to be selected by him shall be heard in the first instance as a test case and that the parties to each appeal shall be bound by the decision of the tribunal on the appeal so selected without prejudice to their right to require the tribunal to state a case for the decision of the Court of Appeal.

Sittings of tribunal

25.—(1) Tribunals shall sit at such places in the United Kingdom outside Scotland as the President may from time to time determine.

(2) The registrar shall send to each party to proceedings before the tribunal a notice informing him of the place and approximate date of the hearing, which shall not be earlier than 14 days after the date on which the notice is sent.

(3) Any party to whom such notice has been sent may apply to the registrar in accordance with the provisions of Rule 22 for an alteration of the place or date of the hearing.

Procedure at hearing

26.—(1) At the hearing the appellant, or (in any case to which paragraph (i), (ii) or (iii) of Rule 11 applies) the party claiming compensation or the party to whom any rent or rent charge requiring to be apportioned is payable, or (in any other case) the party by whom the proceedings were instituted, shall begin and the other parties shall be heard in such order as the tribunal may determine.

(2) Subject to the provisions of these Rules and to any direction given by the President, the procedure at the hearing of any proceedings shall be such as the tribunal may direct.

Evidence

27.—(1) Evidence before a tribunal may be given orally or, if the parties to the proceedings consent or the President or the tribunal so orders, by affidavit, but the tribunal may at any stage of the proceedings make an order requiring the personal attendance of any deponent for examination and cross-examination.

(2) The provisions of paragraphs (2), (3), (4), (5) and (6) of Rule 22 shall apply to an application to the President for leave to give evidence by affidavit, with the substitution of references to the President for references to the registrar.

Tribunal to sit in public

28. The tribunal shall sit in public except:—

(i) in the case of proceedings for the determination of compensation for work done in searching for minerals under the provisions of the Atomic Energy Act, 1946(a), when the proceedings shall be in private; and

(ii) where the tribunal is acting as arbitrator under a reference by consent.

Right of audience

29.—(1) In any proceedings before a tribunal (not being an appeal from the decision of a local valuation court) any party may appear and be heard either in person, or by counsel or solicitor, or by a representative appointed in writing.

(2) On an appeal from the decision of a local valuation court 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 any interlocutory application) to appear instead of any party.

Assessors

30.—(1) If it appears to the President that any case coming before a tribunal calls for special knowledge and that it would be desirable for the tribunal to sit with assessors, he may direct that the tribunal shall hear the case with the aid of such assessor or assessors as the President may, after consulting such persons, if any, as he may think fit, appoint.

(a) 9 & 10 Geo. 6. c. 80.

(2) The remuneration to be paid to any assessor appointed under this Rule shall be such as the President may, with the approval of the Treasury, determine.

Expert witnesses

31.—(1) This Rule applies to any proceedings before a tribunal except an appeal from the decision of a local valuation court.

(2) Not more than one expert witness on either side shall be heard unless otherwise ordered:

Provided that, where the appeal or reference includes a claim for compensation in respect of minerals, or disturbance of business, as well as in respect of land, one additional expert witness on either side on the value of the minerals, or, as the case may be, on the damage suffered by reason of the disturbance may be heard.

(3) An application for leave to call more than one, or more than one additional, expert witness may be made to the registrar in accordance with the provisions of Rule 22 or may be made to the tribunal at the hearing.

(4) Where more than one party intends to call an expert witness, each such party shall, within 28 days after being so requested by the registrar, send to the registrar a copy of each of the following documents relating to the evidence to be given by his expert witness, together with sufficient copies of the documents for service upon each of the other such parties (that is to say):—

(i) every plan and valuation of the land or hereditament which is the subject of the proceedings (including particulars and computations in support of such valuation) which it is proposed to put in evidence;

(ii) a statement of any prices, costs, or other particulars, and any plans, relating to a property or properties other than the said land or hereditament which are proposed to be given in evidence in support of any such valuation, or a statement that no such prices, costs, particulars, or plans will be relied upon.

(5) The registrar shall, within 7 days after receiving all the documents required to be supplied by the parties under the last foregoing paragraph, send to each party copies of the documents supplied by the other party.

(6) If an application for leave to call more than one, or more than one additional, expert witness is made at the hearing and is granted by the tribunal, or if at the hearing any party seeks to rely upon any plans, valuations, or particulars which appear to the tribunal not to have been sent to the registrar in accordance with the foregoing provisions of this Rule, the tribunal shall, unless it is satisfied that no prejudice to any other party will arise, adjourn the hearing on such terms as to costs or otherwise as it thinks fit.

View of land

32. The tribunal may, and shall at the reasonable request of any party to the proceedings, enter on and inspect the land or hereditament which is the subject of proceedings before the tribunal and, so far as may be practicable, any comparable land or hereditament to which the attention of the tribunal may be directed. The tribunal shall give notice to the parties of its intention to inspect any land or hereditament and the parties and their expert witnesses shall be entitled to attend the inspection.

Disclosure of documents

33. Any party to any proceedings shall furnish to the registrar on his request any document or other information which the tribunal may require and which it is in his power to furnish and shall afford to all other parties to the proceedings an opportunity to inspect such documents (or copies of such documents) and to take copies thereof: Provided that nothing in this Rule shall be deemed to require the furnishing of any information which it would be contrary to the public interest to disclose.

Failure to supply documents

34. If it appears to a tribunal that any party to proceedings before the tribunal has failed to send a copy of any document required under these Rules to be sent to any other party or to the registrar, the tribunal may direct that a copy of the document shall be sent as may be necessary and that the further hearing of the proceedings be adjourned, and may in any such case require the party at fault to pay any additional costs occasioned thereby.

Application of Arbitration Acts

35.—(1) The provisions of the Arbitration Acts, 1889 to 1934, which are set out in Part I of the Second Schedule to these Rules shall apply to all proceedings before a tribunal.

(2) Where the tribunal is acting as arbitrator under a reference by consent, the provisions of the Arbitration Acts, 1889 to 1934, which are set out in Part II of the Second Schedule to these Rules shall apply to the proceedings in addition to the provisions which are set out in Part I of that Schedule.

Administration of oaths

36. The registrar shall have power to administer oaths and take affirmations for the purpose of affidavits used in proceedings before a tribunal.

Preliminary point of law

37.—(1) The President may, on the application of any party to any proceedings, order any point of law which appears to be in issue in the proceedings to be disposed of at a preliminary hearing before a member or members of the Lands Tribunal selected by the President for that purpose. If, in the opinion of such member or members, the decision on the point of law substantially disposes of the proceedings he or they may order that the argument shall be treated as the hearing of the case or may make such other order as may seem just.

(2) The provisions of paragraphs (2), (3), (4), (5) and (6) of Rule 22 shall apply to an application under this Rule with the substitution of references to the President for references to the registrar.

Decision of tribunal

38.—(1) The decision of the tribunal on an appeal, reference or application shall be given in writing, together with a brief statement of the tribunal's reasons for its decision.

(2) On an appeal against a determination by the Central Land Board under the Claims for Depreciation of Land Values Regulations, 1948, the tribunal shall, unless it confirms the development value as determined by the Board, direct the Board to alter the development value to such an amount as the tribunal thinks proper, and such direction shall state the amounts of the unrestricted value and restricted value by reference to which the tribunal has ascertained the development value.

(3) On an appeal against a determination by the Central Land Board under the Planning Payments (War Damage) Regulations, 1949, the tribunal shall, unless it confirms the amount of the payment to be made under the Section 59 scheme (as defined by the said Regulations) as determined by the Board, direct the Board to alter the amount of the said payment to such an amount as the tribunal thinks proper, and such direction shall state the amounts of the unrestricted value, restricted value and restricted value undamaged by reference to which the tribunal has ascertained the amount of the said payment.

(4) On an appeal against the decision of a local valuation court, the tribunal shall give such directions with respect to the manner in which the hereditament in question is to be treated in the valuation list as appear to the tribunal to be necessary to give effect to the contention of the appellant if and so far as that contention appears to the tribunal to be well founded.

(5) Where an amount awarded or value determined by the tribunal is dependent upon the decision of the tribunal on a question of law which is in dispute in the proceedings, the tribunal shall ascertain, and shall state in its decision, the alternative amount or value (if any) which it would have awarded or determined if it had decided otherwise on the question of law.

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

(7) If any directions are given by the Court of Appeal for the amendment of any decision of the tribunal on which a case has been stated for the decision of the Court of Appeal, the amendment shall be made by the tribunal accordingly and the registrar shall send copies of the amended decision to all persons to whom copies of the original decision were sent.

Interest on awards

39. The tribunal may, if it thinks fit, direct that any sum awarded by the tribunal shall carry interest from the date of the award at such rate as may from time to time be prescribed by regulations made by the Treasury in pursuance of section 57 of the Town and Country Planning Act, 1947(a).

Sealed offers

40. An unconditional offer of any sum, or of readiness to accept any sum, as compensation shall not be disclosed to a tribunal until it shall have decided upon the amount of compensation to be awarded to the party to or by whom the offer was made, but a copy of the offer enclosed in a sealed cover may be sent to the registrar or delivered to the tribunal at the hearing by the party who made the offer and shall be opened by the tribunal after it shall have decided upon the amount of the compensation.

Consent orders

41. Where the parties to any proceedings have agreed upon the terms of any order to be made by a tribunal, particulars of the terms, signed by all the parties or by their solicitors or agents, shall be sent to the registrar and an order may be made by the tribunal in accordance with such terms in the absence of the parties, unless the tribunal for any special reason requires their attendance.

(a) 10 & 11 Geo. 6. c. 51.

Costs

42.—(1) Except in cases to which the provisions of subsection (1), (2) or (3) of section 5 of the Act of 1919 apply, the costs of and incidental to any proceedings shall be in the discretion of the tribunal.

(2) If the tribunal directs that the costs of a party to the proceedings shall be paid by any other party thereto, the tribunal may settle the amount of the costs by fixing a lump sum, or it may direct that the costs shall be taxed by the registrar on a specified scale of the scales of costs prescribed by the Rules of the Supreme Court or by the County Court Rules, as the case may be.

(3) Any party dissatisfied with a taxation of costs by the registrar may, within 7 days of the taxation, serve on any other party interested therein and on the registrar objection in writing specifying the items objected to and the grounds of objection and asking for the taxation to be reviewed in respect of such items.

(4) Upon such application the registrar shall review his taxation of the items objected to and shall state in writing the reasons for his decision thereon.

(5) Any party dissatisfied with a decision of the registrar under the last foregoing paragraph may, within 10 days of the decision, apply to the President to review the taxation and the President may thereupon make such order as he thinks just, including an order as to the payment of the costs of the review, but the taxation of the registrar shall be final in respect of all matters to which objection shall not have been taken.

Withdrawal of appeal &c.

43. An appeal, reference or application may be withdrawn by sending to the registrar a written notice of withdrawal signed by all parties to the proceedings or by their solicitors or agents.

Extension of time

44. The time appointed by or under these Rules for doing any act or taking any steps in connection with any proceedings (not being the time appointed for appealing against a determination by the Central Land Board under the Claims for Depreciation of Land Values Regulations, 1948, or the Planning Payments (War Damage) Regulations, 1949, or against the decision of a local valuation court) may be extended, on an application to the registrar in accordance with the provisions of Rule 22, upon such terms (if any) as the justice of the case may require, and such extension may be ordered although the application is not made until after the expiration of the time appointed.

Stay of proceedings in certain cases

45. Rule 9 of the Acquisition of Land (Compensation for War Damaged Land) Rules, 1945(a) (which relates to the stay of proceedings before an official arbitrator in certain cases of war-damaged land) shall apply to proceedings before a tribunal with the substitution of references to the tribunal for references to the arbitrator.

(a) S.R. & O. 1945 (No. 1216) I, p. 1155.

PART VI

General

Selection of members of tribunal

46.—(1) The President may at any time select another member of the Lands Tribunal in substitution for a member previously selected by him as a tribunal, or as a member of a tribunal, to hear a case and where members of the Lands Tribunal have been selected for a class or group of cases under the provisions of subsection (2) of section 3 of the Act the President may from time to time vary the members so selected.

(2) Where the President has appointed any member of the Lands Tribunal to be the chairman of any members selected as aforesaid, the chairman may exercise the like power of substituting one member for another previously selected as the tribunal, or as a member of the tribunal, to hear a case in that class or group of cases.

Certificates of value

47. An application for a certificate of value under section 9 of the Act of 1919 shall be made in writing to the registrar and the party by whom such application is made shall furnish to the registrar on his request such information as may be required to enable the certificate to be given.

Service of notices

48.—(1) Any notice or other document required or authorised to be served on any person for the purpose of these Rules shall be deemed to have been duly served if sent by pre-paid post to that person at his ordinary address or to his address for service specified in any notice given under these Rules. Any notice or other document required or authorised to be sent to the registrar shall be sent to him at the office.

(2) Any application or communication to be made to the President or to any member of the Lands Tribunal in respect of any case shall be addressed to the registrar at the office.

Change of address

49. Any party to any proceedings may at any time by notice in writing to the registrar and to all other parties to those proceedings change his address for service under these Rules.

Substituted service

50. If any person to whom any notice or other document is required to be sent for the purpose of these Rules cannot be found, or has died and has no personal representative, or is out of the United Kingdom, or if for any other reason service upon such person cannot be readily effected in accordance with these Rules, the President or the tribunal may dispense with service upon such person or may make an order for substituted service upon such other person or in such other form (whether by advertisement in a newspaper or otherwise) as the President or the tribunal may think fit.

Failure to comply with Rules

51. Any failure on the part of any person to comply with the provisions of these Rules shall not render the proceedings or anything done in pursuance thereof invalid unless the President or the tribunal so directs.

Fees

52. The fees specified in the Third Schedule to these Rules shall be payable to the registrar, in respect of the matters mentioned in the said Schedule, by means of stamps impressed on the notice, application or other document therein mentioned or (in the case of a hearing fee) on the order or award of the tribunal. The hearing fee shall, unless otherwise directed by the tribunal, be payable by the appellant or party by whom the proceedings were instituted (without prejudice to his right to recover the amount of the fee from any other party by virtue of any order as to costs) on receipt of notification from the registrar.

Transitional provisions

53.—(1) Where, before the date on which these Rules come into operation, proceedings have been commenced for the determination of any question, dispute or other matter which by the Act is required to be referred to and determined by the Lands Tribunal (not being such a question as is referred to in paragraph (2) of this Rule) but the hearing has not been begun at that date, anything done for the purpose of those proceedings shall be treated, so far as practicable, as if it had been done for the purpose of an appeal, reference or application under these Rules, but without prejudice to the exercise by the President, the tribunal, or the registrar respectively of their full powers under these Rules in relation to the proceedings.

(2) Where, before the date on which these Rules come into operation, any question as to disputed compensation or apportionment of rent has been referred under subsection (1) of section 8 of the Act of 1919 to the Commissioners of Inland Revenue or to an arbitrator agreed on between the parties, such question shall, notwithstanding anything in the Act or these Rules, be determined by the Commissioners or the arbitrator in accordance with the provisions of the said section 8.

Revocation of previous Rules

54. The Rules specified in the Fourth Schedule to these Rules (except in so far as they relate to Scotland or Northern Ireland) are hereby revoked as from the date on which these Rules come into operation.

Dated the fifth day of December, 1949.

Jowitt, C.

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

Wm. Hannan
J. W. Snow } Lords Commissioners of His Majesty's Treasury.

FIRST SCHEDULE

Rule 3 (2)

FORM 1

Lands Tribunal Act, 1949

Notice of Appeal against determination by Central Land Board under the Claims for Depreciation of Land Values Regulations, 1948, *or the Planning Payments (War Damage) Regulations*, 1949.

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

To be copied from Central Land Board's determination.

Description of land .....

.....

Central Land Board's reference number .....

Date of determination .....

I/we .....

Here state usual address.

of .....

Strike out words not applicable.

being a claimant within the meaning of the Claims for Depreciation of Land Values Regulations, 1948 [*or*, the Planning Payments (War Damage) Regulations, 1949], hereby give notice of appeal against the above-mentioned determination by the Central Land Board.

Here state briefly the grounds of the appeal.

The grounds of appeal are that .....

.....

Strike out if not applicable.

I/we claim that the unrestricted value of my/our interest in the land described above should be .....
that its restricted value should be .....
and that its restricted value undamaged should be .....

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.

Strike out words not applicable.

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 2 Rule 3 (3)

Lands Tribunal Act, 1949

Notice of Appeal against determination by Commissioners of Inland Revenue under Finance (1909-10) *Act*, 1910.

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

Description of land ..... To be copied from Inland Revenue's determination.
.....

Inland Revenue reference number .....

Date of determination .....

I/we .....

of ..... Here state usual address.

hereby give notice of appeal against [*here insert particulars of the matter appealed against, e.g.* " the assessment of mineral rights duty under Part I of the Finance (1909-10) Act, 1910," *or* " the refusal of the Commissioners of Inland Revenue to make an allowance in respect of .....," *or*, " the determination of the Commissioners of Inland Revenue that ....."]

The grounds of appeal are that ..... Here state briefly the grounds of the appeal.
.....

I/we claim that the amount of the duty [*or*, the value of the said property] should be £..... Strike out if 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. Strike out words not applicable.

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

Signed .....

Dated .....

Rule 8

FORM 3

Lands Tribunal Act, 1949

Notice of Appeal against decision of local valuation court.

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

To be copied from decision of local valuation court.

Description of hereditament .....
.....

I/we .....

Here state usual address.

of .....

hereby give notice of appeal against the decision of the local valuation court sitting at ..... which was given on the ..... day of ..... 19 , in respect of the hereditament described above.

Here insert place and date of decision of local valuation court.

Here state briefly the grounds of the appeal.

The grounds of appeal are that .....
.....

Strike out words not applicable.

I/we do/ do not propose to call an expert witness(es) to give evidence in support of the valuations on which I/we shall rely at the hearing of the appeal.

Strike out words not applicable.

All communications regarding the appeal should be addressed to me/us at the address shown above [*or*, to my/our Solicitor Mr.....
..... of .....
.....]

Signed .....

Dated .....

Note:—A copy of the local valuation court's decision must *be sent to the registrar with this Notice, together with a list of the names and addresses of the persons who appeared as parties to the proceedings before the local valuation court. There must also be sent to the registrar sufficient copies of this Notice for service upon each of those persons and upon the valuation officer (if he was not himself a party to the proceedings).*

FORM 4 Rule 12

Lands Tribunal Act, 1949

Notice of Reference

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

Description of land or hereditament to which this Reference relates .....

I/we .....

of ..... Here state usual address.

[being a person(s) claiming compensation in respect of the land described above, *or*, claiming apportionment of the rent payable in respect of the land described above] Strike out words not applicable.

or

[being the authority liable for the payment of compensation (if any) in respect of the land described above]

or

[being a party to a dispute as to the water rate payable in respect of the land described above]

or

[being a party(ies) to an agreement under which the Lands Tribunal is to act as arbitrator]

hereby apply for the determination by the Lands Tribunal of the question of which particulars are set out below.

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

Particulars

Name and address of compensating authority .....
.....

Name and address of claimant .....
.....

or

Names and addresses of parties to dispute as to water rate .....
.....
.....

or

Names and addresses of parties to arbitration agreement.....
.....

Nature of question and enactment (if any) under which claim is made
.....

Nature of compensation claimed (*e.g. where claim is under Atomic Energy Act*, 1946, *whether compensation is claimed by reference to diminution of annual value or for depreciation in value of estate or interest*) .....
.....

Estate or interest in respect of which compensation is claimed .....
.....

Whether the party(ies) by whom this Notice is signed propose(s) to call an expert witness to give evidence in support of any valuations .....

Signed .....
Dated .....

Notes.

1. *Where the Reference relates to the compensation payable on a compulsory acquisition of land, a copy of the Notice to Treat (if such notice has been served) and of any Notice of Claim, or amended Notice of Claim delivered to the acquiring authority* must *be sent to the registrar with this Notice.*

2. *Where the Reference is made in pursuance of an agreement to refer any matter to arbitration, a copy of the agreement* must *be sent to the registrar with this Notice.*

Rule 15

FORM 5

Lands Tribunal Act, 1949

Application for Discharge or Modification of Restrictive Covenant under s. 84 Law of Property Act, 1925.

To:— The Registrar,
Lands Tribunal,
24, Abingdon Street,
London, S.W.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 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*) .....] [*or*, may be modified by ..... (*here state nature of modification applied for*) .....]
The grounds of this application are that .....
(*here state whether the application falls within paragraph* (*a*), (*b*) *or* (*c*) *of subsection* (1) *of section* 84) .....

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

Strike out words not applicable.

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

Strike out words not applicable.

Particulars

Nature of restriction .....
.....
Land affected by the restriction .....
.....
Whether freehold land, or leasehold held for a term of more than 70 years whereof 50 years have expired .....
Manner and date of imposition of restriction .....
.....
Nature and amount of consideration for the restriction (if any) .....
.....
Persons entitled to the benefit of the restriction .....
(*here state names and addresses of such persons and the nature of their interests*) .....

Signed .....
Dated .....

FORM 6 Rule 17

Lands Tribunal Act, 1949

Objection to Application for Discharge or Modification of Restrictive Covenant under s. 84 *Law of Property Act*, 1925.

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

In the matter of an application made by ..... under the above section. Here insert name(s) of applicant(s).

I/We .....
of ..... Here state usual address.
being entitled to the benefit of the restriction to which the above application relates, as being entitled to ..... (*here state nature of interest*) ..... in ..... (*here describe land in which objector is entitled to an interest*) .....
hereby object to the said application on the ground that .....
..... (*here state briefly the grounds of objection*) .....
.....and in the event of the said restriction being discharged or modified, I/we claim compensation to the amount of £..... as the amount of the loss that I/we and my/our successors in title will suffer thereby [*or*, of the depreciation in the value of the said land occasioned thereby]. Strike out words not applicable.

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

Signed .....
Dated .....

SECOND SCHEDULE Rule 35

PART I

Provisions of Arbitration Acts, 1889 *to* 1934, *applicable to all proceedings before the Lands Tribunal*

The Arbitration Act, 1889 (52 & 53 Vict. c. 49):—
Section seven
Section eight
Section twelve
Section eighteen
Paragraphs (*f*), (*g*), (*j*) and (*k*) of the First Schedule.
The Arbitration Act, 1934 (24 & 25 Geo. 5. c. 14):—
Subsection (1) of section eight
Section ten
Section seventeen
The First Schedule, except paragraph (3) thereof.

PART II

Additional provisions of Arbitration Acts, 1889 *to* 1934, *applicable where Lands Tribunal is acting as arbitrator*

The Arbitration Act, 1889:—
Section one
Section four
The Arbitration Act, 1934:—
Section one
Section two
Section twelve
Section sixteen

Rule 52

THIRD SCHEDULE

FEES

	£ s. d.
1. On a notice of appeal against a determination (not being a determination by the Commissioners of Inland Revenue under the Finance (1909–10) Act, 1910.)	1 0 0
2. On a notice of appeal against the decision of a local valuation court.	2 6
3. On a notice of reference under Part III of these Rules ...	1 0 0
4. On an application under Part IV of these Rules	5 0 0
5. On notification to the registrar in accordance with Rule 16 (3).	5 0 0
6. On any application to the registrar	5 0
7. On any application to the President or the Tribunal (including drawing up of order made).	5 0
8. Hearing Fee:—	
(A) On an appeal against the decision of a local valuation court:—	
(i) where net annual value does not exceed £100 ...	10 0
(ii) where net annual value exceeds £100, but does not exceed £300.	1 0 0
(iii) where net annual value exceeds £300	3 0 0
(B) On an appeal against a determination by the Central Land Board, or on a reference under Part III of these Rules (except on a dispute as to water rates):—	
Where the value determined or amount awarded—	
(i) does not exceed £200	5 5 0
(ii) exceeds £200 but does not exceed £500 ...	5 5 0 with an addition of £1 1s. 0d. in respect of every £50 or part of £50 by which the amount awarded exceeds £200.
(iii) exceeds £500 but does not exceed £5,000 ...	£ s. d. 11 11 0 with an addition of £1 1s. 0d. in respect of every £100 or part of £100 by which the amount awarded exceeds £500.
(iv) exceeds £5,000	£ s. d. 58 16 0 with an addition of £1 1s. 0d. in respect of every £200 or part of £200 by which the amount awarded exceeds £5,000 but not exceeding in any case £262 10s. 0d.
(C) On an appeal or reference where the award is in terms of rent or other annual payment the following scales of fees shall be substituted for those payable under (B):—	£ s. d.
Where the amount awarded—	
(i) does not exceed £10 per annum	5 5 0

	£ s. d.
(ii) exceeds £10 per annum but does not exceed £25 per annum.	5 5 0 with an addition of £1 1s. 0d. in respect of every £2 10s. 0d. or part of £2 10s. 0d. by which the rent, etc., awarded exceeds £10 per annum.
(iii) exceeds £25 per annum but does not exceed £250 per annum.	11 11 0 with an addition of £1 1s. 0d. in respect of every £5 or part of £5 by which the rent, etc., awarded exceeds £25 per annum.
(iv) exceeds £250 per annum	58 16 0 with an addition of £1 1s. 0d. in respect of every £10 or part of £10 by which the rent, etc., awarded exceeds £250, but not exceeding in any case £262 10s. 0d.
(D) On an Order made under Part IV of these Rules if no compensation is awarded.	10 10 0
(E) On 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) in which no fee is payable by reference to an amount awarded.	2 0 0
Daily Fee:—	
(F) On an appeal against the decision of a local valuation court, where the hearing occupies more than one day, for each day or part of a day after the first day:—	
(i) where net annual value does not exceed £100 ...	10 0
(ii) where net annual value exceeds £100 but does not exceed £300.	15 0
(iii) where net annual value exceeds £300	2 0 0
(G) On an appeal or reference to which paragraph (B) applies, where the hearing occupies more than one day, for each day or part of a day after the first day a further fee on the following scale:—	
Where the value determined or amount awarded—	
(i) does not exceed £500	5 5 0
(ii) exceeds £500 and does not exceed £1,000 ...	10 10 0
(iii) exceeds £1,000 and does not exceed £5,000 ...	15 15 0
(iv) exceeds £5,000 and does not exceed £10,000 ...	21 0 0
(v) exceeds £10,000 and does not exceed £15,000	31 10 0
(vi) exceeds £15,000 and does not exceed £20,000	42 0 0
(vii) exceeds £20,000	52 10 0

	£ s. d.
(H) On an appeal or reference to which paragraph (C) applies, where a hearing occupies more than one day, for each day or part of a day after the first day a further fee on the following scale:—	
Where the amount awarded—	
(i) does not exceed £25 per annum	5 5 0
(ii) exceeds £25 per annum and does not exceed £50 per annum.	10 10 0
(iii) exceeds £50 per annum and does not exceed £250 per annum.	15 15 0
(iv) exceeds £250 per annum and does not exceed £500 per annum.	21 0 0
(v) exceeds £500 per annum and does not exceed £750 per annum.	31 10 0
(vi) exceeds £750 per annum and does not exceed £1,000 per annum.	42 0 0
(vii) exceeds £1,000 per annum	52 10 0
(I) On an application under Part IV of these Rules in which no compensation is awarded, where the hearing occupies more than one day, for each day or part of a day after the first day.	8 8 0
(J) On an appeal or reference in which a fee has been paid under paragraph (E), where a hearing occupies more than one day, for each day or part of a day after the first day.	2 0 0
9. On certifying a copy of an order or award of the Tribunal, for every folio of 72 words.	1 0
10. On a case for the decision of the Court of Appeal:—	
(a) drawing case (if not drawn by the parties), for every folio of 72 words.	1 0
(b) attending the President or the Tribunal settling case, for every hour's attendance or part thereof.	10 0
(c) copy, for any party, of case as settled; for every folio of 72 words.	4
11. On taxation of a bill of costs: for every £2, or fraction thereof allowed	1 0
Any time spent by the tribunal in viewing any land shall be treated as part of the hearing. A day shall be taken to be a working period of five hours.	

Note: Documents transmitted for stamping through the post must be accompanied by a money order or postal order drawn to the order of the Commissioners of Inland Revenue for the amount of the fee payable.

Rule 54

FOURTH SCHEDULE

The Land Values (Referee) Rules, 1910 (S.R. & O. 1910 (No. 1339) p. 398).

The Acquisition of Land (Assessment of Compensation) Rules, 1919 (S.R. & O. 1919 (No. 1836) I, p. 931).

The Acquisition of Land (Assessment of Compensation) Fees Rules, 1931 (S.R. & O. 1931 (No. 157) p. 558).

The Law of Property (Restrictive Covenants Discharge and Modification) Rules, 1933 (S.R. & O. 1933 (No. 51) p. 1015).

The Law of Property (Restrictive Covenants Discharge and Modification) Fees Rules, 1933 (S.R. & O. 1933 (No. 52) p. 1021).

The Atomic Energy (Assessment of Compensation for Work done in Searching for Minerals) Rules, 1947 (S.R. & O. 1947 (No. 500) I, p. 90).

EXPLANATORY NOTE

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

These Rules prescribe the procedure to be followed in proceedings before the Lands Tribunal.

Part I of the Rules deals with appeals against determinations where the determining authority is itself the respondent to the appeal. Into this category fall (i) appeals against determinations by the Central Land Board under the Town and Country Planning Act, 1947 (both of the development value of interests in land and of the amount of the payments falling to be made in respect of war-damaged land in pursuance of the Treasury scheme made under section 59 of the 1947 Act) and (ii) appeals against determinations by the Commissioners of Inland Revenue under the Finance (1909-10) Act, 1910, e.g. in regard to an assessment to mineral rights duty or as to the principal value of any property for the purposes of estate duty. It is contemplated that jurisdiction to hear appeals against determinations by other authorities will be transferred to the Lands Tribunal by means of Orders in Council made under section 4 of the Lands Tribunal Act, 1949, and this contingency is provided for by Rules 3 (4) and 4.

Part II deals with appeals in rating matters from the local valuation courts set up by the Local Government Act, 1948. Rule 10 follows the practice in rating appeals to Quarter Sessions in requiring the parties to exchange statements of their case where the net annual value of the hereditament exceeds £200 and provides that in such cases the parties are also to exchange valuations.

Part III relates to disputes as to the compensation payable on the compulsory acquisition of land by public authorities, which have hitherto been dealt with by official arbitrators under the Acquisition of Land (Assessment of Compensation) Act, 1919, together with various other matters mentioned in Rule 11.

Part IV deals with applications for the discharge or modification of restrictive covenants under section 84 of the Law of Property Act, 1925, and substantially re-enacts the Law of Property (Restrictive Covenants Discharge and Modification) Rules, 1933.

Part V deals generally with procedure in all proceedings before the Lands Tribunal. Rule 25 provides that the Lands Tribunal will sit to hear cases at such places throughout the United Kingdom (outside Scotland) as the President may direct. Rule 29 deals with the right of audience before the tribunal, while Rule 40 provides, in accordance with a recommendation of the Uthwatt Committee on Compensation and Betterment, that unconditional offers should be sealed and not disclosed to an arbitrator until he has made his award. Under Rule 42, the costs of proceedings will be in the discretion of the tribunal except where a claimant has failed to deliver a notice of claim to the acquiring authority as required by section 5 of the Acquisition of Land (Assessment of Compensation) Act, 1919.

Part VI contains general provisions as to notices etc. and prescribes the fees payable in proceedings before the tribunal (which are set out in the Third Schedule). Rule 53 provides that proceedings commenced, but not heard, before the Rules come into operation shall continue before the Lands Tribunal, except for questions referred under section 8 of the Acquisition of Land (Assessment of Compensation) Act, 1919, to the Commissioners of Inland Revenue or to an agreed arbitrator. Rule 54 revokes, in relation to England and Wales, the Rules mentioned in the Fourth Schedule.