1963 No. 483

LANDS TRIBUNAL

The Lands Tribunal Rules 1963

Made - - - - 12*th March* 1963
Coming into Operation 1*st April* 1963

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I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by section 3 of the Lands Tribunal Act 1949(a) and all other powers enabling me in this behalf, and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1958(b), and with the approval of the Treasury in regard to the fees prescribed 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 1963 and shall come into operation on 1st April 1963.

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 1961" means the Land Compensation Act 1961(c);

"the Minister" means the Minister of Housing and Local Government;

(a) 12, 13 & 14 Geo. 6. c. 42. (b) 6 & 7 Eliz. 2. c. 66. (c) 9 & 10 Eliz. 2. c. 33.

"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;

"the Tribunal" means the member or members of the Lands Tribunal selected to deal with a case under the provisions of section 3 (2) 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 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 the right of appeal, or, where the appeal is against a determination under the Claims for Depreciation of Land Values Regulations 1948(a) or the Planning Payments (War Damage) Regulations 1949(b), the claimant within the meaning of the former or, as the case may be, the latter of those Regulations;

"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 officer" has the meaning assigned to it by section 33 of the Local Government Act 1948(c);

(2) A Form referred to by number means the Form so numbered in Schedule 1 to these Rules.

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

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 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 a determination by the Minister, an acquiring authority or a local planning authority under section 99, 110, 116, 120 or 121 of the Town and Country Planning Act 1962(e), or section 13, 31 or 45 of the Town and Country Planning Act 1954(f), the notice of appeal shall be substantially in accordance with Form 2.

(a) S.I. 1948/902 (Rev. XXII, p. 796: 1948 I, p. 4105).
(b) S.I. 1949/2255 (1949 I, p. 4046).
(c) 11 & 12 Geo. 6. c. 26.
(d) 52 & 53 Vict. c. 63.
(e) 10 & 11 Eliz. 2. c. 38.
(f) 2 & 3 Eliz. 2. c. 72.

(4) 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 3.

(5) In the case of any other appeal against a determination, the notice of appeal shall, unless otherwise provided by the enactment 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 the 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 enactment 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 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.

Appearance by interested persons other than appellants

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

(2) Notice of intention to appear given by a person who has received a notice from the determining authority that a dispute has been referred to

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

the Lands Tribunal shall be given not later than 21 days after receipt by him of that notice; and notice of intention to appear given by any other person shall be given not later than 3 days before the day fixed for the hearing.

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

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

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

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

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

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

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

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

(5) Where a dispute as to a proposed apportionment or calculation has been referred to the Lands Tribunal under section 99 of the Town and Country Planning Act 1962, any person who has received notice under paragraph (*b*) of subsection (4) of that section of the proposed apportionment or calculation, and any other person who is entitled to an interest in land substantially affected by the proposed apportionment or calculation, shall be entitled to be heard in the dispute and the foregoing provisions of this Rule shall apply accordingly.

Power to require further particulars

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

(2) The statement shall be sent in duplicate to the registrar within such time as he may prescribe, not being less than 14 days after the date of the requirement, and copies of the statement shall be sent to such other persons, if any (being persons who have given notice of appeal or notice of intention to appear in relation to the same proceedings), as the registrar may direct.

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

Power to require particulars of determination

8. 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, the appellant and any person from whom the authority has received a notice of intention to appear at the hearing.

PART II

Appeals from Local Valuation Courts

Notice of appeal

9.—(1) An appeal against the decision of a local valuation court may be instituted within 28 days from the date of the decision by sending to the registrar a written notice of appeal substantially in accordance with Form 4 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 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. The registrar shall also inform the appellant of the date on which copies of the notice of appeal were served.

Notice of intention to appear

10.—(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 service of the copy of the notice of appeal, and the registrar shall serve a copy thereof on every other party to the 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

11. Where notice of intention to appear has been given to the appellant and either the net annual value of the hereditament to which the appeal relates exceeds £500, or the appeal is on a point of law, 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 and to every other party to the appeal 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*) a valuation, or, where it is proposed to put in evidence two or more alternative valuations, every valuation of the hereditament which it is proposed to put in evidence (including particulars and computations in support of each valuation), or a statement of the value or values that the parties have agreed to attribute to the hereditament in the event of the tribunal allowing or dismissing the appeal, as the case may be, and

(*b*) a description of any comparable hereditaments to which the appellant or such party as aforesaid 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 seven 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

Other Appeals

Notice of appeal

12.—(1) Any appeal to the Lands Tribunal other than one to which Part I or Part II of these Rules applies may be instituted within 21 days from the date of the decision appealed against by sending to the registrar a written notice of appeal substantially in accordance with Form 5, together with a copy of the decision.

The appellant shall at the same time inform the registrar of the names and addresses of the persons who were parties to the dispute in respect of which the decision was given and shall supply the registrar with sufficient copies of the notice of appeal for service upon each of those persons and upon the court, authority or person from whose decision the appeal is brought.

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

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

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

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

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

Notice of intention to appear

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

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

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

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

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

Statement of case

14. Where notice of intention to appear has been given, the provisions of sub-paragraphs (i) and (ii) of Rule 11 shall, if the registrar so directs, apply to the appeal as they apply to an appeal from a local valuation court.

PART IV

References

Application of Part IV

15. 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 Acquisition of Land (Assessment of Compensation) Act 1919(**a**);

(ii) any question of disputed compensation under the Lands Clauses Acts(**b**) where the claim is for the injurious affection of any land and is against an authority possessing compulsory purchase powers within the meaning of the Act of 1961;

(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(**c**) of any rentcharge or other matter to which that section applies;

(iv) any assessment of compensation which is required by any Act (including a local or private Act), or by any instrument made under any such Act, to be made by the tribunal constituted under Part II of Schedule 4 to the Town and Country Planning Act 1944(**d**);

(v) 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;

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

(vii) any question (not being an appeal against a determination) which, by or under any enactment other than the Act, is in default of agreement to be determined by the Lands Tribunal.

Notice of reference

16.—(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**) 9 & 10 Geo. 5. c. 57. (**b**) 8 & 9 Vict. c. 18; 23 & 24 Vict. c. 106; 32 & 33 Vict. c. 18; 46 & 47 Vict. c. 15; 58 & 59 Vict. c. 11. (**c**) 8 & 9 Vict. c. 18. (**d**) 7 & 8 Geo. 6. c. 47.

a notice of reference substantially in accordance with Form 6 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—

(i) if the compensation is payable 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 section 4 of the Act of 1961; or

(ii) in any other case, there shall be sent to the registrar with the notice of reference a copy of the order, direction, notice, decision, authorisation or other document which is evidence of the proceedings giving rise to compensation.

(3) A notice of reference in respect of any question to which paragraph (i), (ii), (iii) or (iv) 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

17. Upon receiving a notice of reference, the registrar shall enter particulars of the reference 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.

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

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

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

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

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

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

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

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

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

PART V

Applications under section 84 of the Law of Property Act 1925

Interpretation

19. In this Part of these Rules, unless the context otherwise requires, "the section" means section 84 of the Law of Property Act 1925(a), as amended by section 52 of the Landlord and Tenant Act 1954(b), 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 40 years of which at least 25 years have expired, or of the building on any such land.

Method of making application

20.—(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 7.

(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

21.—(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

22. An objection to the application and claim for compensation shall be substantially in accordance with Form 8.

Powers of President

23.—(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 the 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 the Tribunal for decision.

(a) 15 & 16 Geo. 5. c. 20. (b) 2 & 3 Eliz. 2. c. 56.

Power to direct additional notices

24. 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

25. 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

26.—(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 VI

Applications under section 2 of the Rights of Light Act 1959

Form of application

27. An application for a certificate of the Lands Tribunal under section 2 of the Rights of Light Act 1959(a) shall be substantially in accordance with Form 9 and shall be accompanied by two copies of the application which the applicant proposes to make to the local authority in whose area the dominant building is situated.

Publicity

28.—(1) Upon receiving an application, the President shall determine what notices are to be given, whether by way of advertisement or otherwise, to persons who appear to have an interest in the dominant building specified in the proposed application to the local authority and may for this purpose require the applicant to furnish any documents or provide any information which it is in his power to supply.

(2) The applicant shall notify the registrar in writing when he has given the notices directed to be given by the President, setting out full particulars of the steps taken by him.

Issue of temporary certificates

29.—(1) The Tribunal shall, where it is satisfied that matters of exceptional urgency require the registration forthwith of a temporary notice

(a) 7 & 8 Eliz. 2. c. 56.

in the register of local land charges, issue a temporary certificate in Form 10.

(2) The period of duration specified in the certificate shall not be more than six months.

Issue of definitive certificates

30. The Tribunal shall, upon being satisfied that the notices directed to be given by the President have been duly given, issue a certificate in Form 11 or, where a temporary certificate has been issued under the last preceding Rule, in Form 12.

PART VII

Procedure

Interlocutory applications

31.—(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 section 3 (2) of the Act, or

(ii) as respects a case for which a member or members of the Lands Tribunal has or have 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.

Proceedings to be consolidated or heard together

32.—(1) Where more than one notice of appeal has been given in respect of the same land or hereditament, an application to the registrar in accordance with the provisions of Rule 31 for an order that the appeals shall be consolidated may be made by any party to the appeals.

(2) Where two or more notices of appeal have been given in respect of different lands or hereditaments raising the same issues, or where two or more notices of reference have been given in respect of several interests in the same subject in dispute, an application may be made by any party to the proceedings that the appeals, or as the case may be the references, shall be heard together.

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

(4) An order 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

33. Where two or more appeals against the decision of a local valuation court appear to the President to involve the same issues, 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

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

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

(4) Any person to whom notice has been sent under paragraph (2) or (3) of this Rule may apply to the registrar in accordance with the provisions of Rule 31 for an alteration of the place or date of the hearing.

Procedure at hearing

35.—(1) At the hearing, the appellant, or (in any case to which paragraph (i), (ii), (iii) or (iv) of Rule 15 applies) the party claiming compensation or the party to whom any rent or rentcharge 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.

Default of appearance

36. If on an appeal under Part I, II or III of these Rules or on an application under Part V of these Rules the appellant or applicant does not appear at the time and place appointed for the hearing, the Tribunal may dismiss the appeal or application, and, if any other party to the proceedings or any party to a reference does not appear at such time and place as aforesaid, the Tribunal may hear and determine the appeal, application or reference in his absence and may make such order as to costs as it thinks fit:

Provided that, where proceedings have been determined under this Rule in the absence of a party, the Tribunal may, on an application made by that party within 7 days of the determination, if it is satisfied that he had sufficient reason for his absence, set aside the determination on such terms as to costs or otherwise as it thinks fit.

Appellant limited to grounds of appeal

37. On the hearing of an appeal under Part I, II or III of these Rules or of an application under Part V of these Rules, the appellant or applicant shall not be entitled to rely upon any grounds not stated in his notice of appeal or statement of case or application unless the Tribunal thinks it just in all the circumstances, and on such terms as to costs or adjournment or otherwise as it may think fit, to allow such additional grounds to be put forward as may appear to the Tribunal to be material.

Evidence

38.—(1) Evidence before the 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 31 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

39. The Tribunal shall sit in public except where it is acting as arbitrator under a reference by consent.

Right of audience

40. In any proceedings before the Tribunal, 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 an interlocutory application) to appear instead of any party.

Assessors

41.—(1) If it appears to the President that any case coming before the 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.

(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

42.—(1) This Rule applies to any proceedings before the 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 31 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

43. The Tribunal may, if it thinks fit, 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

44. 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

45. If it appears to the 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 Act 1950

46. Sections 12, 14, 15, 17, 18 (5) and 26 of the Arbitration Act 1950(a) shall apply to all proceedings before the Tribunal as they apply to an arbitration unless a contrary intention is expressed in the arbitration agreement, and where the Tribunal is acting as arbitrator under a reference by consent, sections 1, 2, 3, 4 (1), 5, 18 (3) and (4), 24 (2) and (3) and 27 of the Arbitration Act 1950 shall also apply.

Administration of oaths

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

Preliminary point of law

48.—(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 31 shall apply to an application under this Rule with the substitution of references to the President for references to the registrar.

Decision of Tribunal

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

(2) On an appeal against a determination of development value under the Claims for Depreciation of Land Values Regulations 1948, the Tribunal shall, unless it confirms the determination, direct the Minister to alter the development value to such an amount as the Tribunal thinks proper, and such

(a) 14 Geo. 6. c. 27.

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 under the Planning Payments (War Damage) Regulations 1949 of the amount of the payment to be made under the section 59 scheme (as defined by the said Regulations), the Tribunal shall, unless it confirms the determination, direct the Minister 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 a copy of the decision to every party who has appeared before the Tribunal, and—

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

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

(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 amendments 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

50. The Tribunal may, if it thinks fit, direct that any sum awarded by the Tribunal (other than compensation which carries interest at the rate prescribed under section 10 of the Compensation (Defence) Act 1939(a) or section 35 (8) of the Opencast Coal Act 1958(b)) 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 32 of the Act of 1961.

Sealed offers

51. An unconditional offer of any sum, or of readiness to accept any sum, as compensation shall not be disclosed to the 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.

(a) 2 & 3 Geo. 6. c. 75. (b) 6 & 7 Eliz. 2. c. 69.

Consent orders

52. Where the parties to any proceedings have agreed upon the terms of any order to be made by the 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.

Costs

53.—(1) Except in cases to which the provisions of subsection (1), (2) or (3) of section 4 of the Act of 1961 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 scale specified by the Tribunal, being a scale of costs prescribed by the Rules of the Supreme Court or by the County Court Rules.

(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, etc.

54. 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

55.—(1) Subject to the provisions of the next following paragraph, 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 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 31, 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.

(2) The times appointed by sub-paragraphs (i) and (ii) of Rule 11 for sending a statement of an appellant's case and a reply and the time appointed by paragraph (4) of Rule 42 for sending copies of documents to the registrar may, by consent of the parties and on written notification sent to the registrar and received by him before the expiration of the limit of time appointed by the Rules or fixed by a previous extension by consent, be extended for a period not exceeding two months on each notification and four months in the aggregate.

PART VIII

General

Selection of members of Tribunal

56.—(1) The President may at any time select another member of the Lands Tribunal in substitution for a member previously selected by him as the Tribunal, or as a member of the 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 section 3 (2) 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

57. An application for a certificate of value under section 35 of the Act of 1961 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

58.—(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

59. 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

60. 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

61. 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

62. The fees specified in Schedule 2 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. A document may be sent to the registrar by post for stamping if accompanied by a remittance in accordance with the directions contained in the said Schedule. The hearing fee shall, unless the Tribunal otherwise directs, 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, repeals, etc.

63.—(1) These Rules shall apply to proceedings commenced before the date on which they come into operation as well as to proceedings commenced on or after that date.

(2) The Lands Tribunal Rules 1956(a), the Lands Tribunal (Amendment) Rules 1958(b) and the Lands Tribunal (Amendment) Rules 1959(c) are hereby revoked.

Dated 12th March 1963.

Dilhorne, C.

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

John Hill,
G. T. C. Campbell,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) S.I. 1956/1734 (1956 I, p. 1136). (b) S.I. 1958/1746 (1958 I, p. 1342).
(c) S.I. 1959/1732 (1959 I, p. 1540).

SCHEDULE 1

FORMS

Rule 2 (2).

FORM 1

Notice of Appeal against Determination under the Claims for Depreciation of Land Values Regulations 1948 *or the Planning Payments (War Damage) Regulations* 1949

Rule 3 (2).

To:—The Registrar,
Lands Tribunal,
3, Hanover Square,
London, W.1.

Description of land .....
.....

To be copied from the determination.

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

Date of determination .....

I/We .....

of .....

Here state usual address.

being (a) claimant(s) 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.

Strike out words not applicable.

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

Here state briefly the grounds of the appeal.

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 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 .....

FORM 2

Rule 3 (3).

Notice of Appeal against Determination of a question under section 110 *of the Town and Country Planning Act* 1962 [or, as the case may be, *section* 99, 116, 120 *or* 121 *of the Town and Country Planning Act* 1962 *or section* 13, 31 *or* 45 *of the Town and Country Planning Act* 1954]

To:—The Registrar,
Lands Tribunal,
3, Hanover Square,
London, W.1.

To be copied from the determination.

Description of land .....

.....

Strike out words not applicable.

Minister's
Central Land Board's
Acquiring Authority's
Local Planning Authority's
} reference number.....

Date of notice of determination.....

I/We .....

Here state usual address.

of .....

Strike out words not applicable.

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

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

Here state briefly the grounds of the appeal.

.....

Strike out words not applicable.

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

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

Signed .....

Dated .....

FORM 3

Notice of Appeal against Determination by Commissioners of Inland Revenue under Finance (1909-10) *Act* 1910 — Rule 3 (4).

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

FORM 4

Rule 9 (1). *Notice of Appeal against Decision of Local Valuation Court*

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

Here insert place and date of decision of local valuation court. court sitting at ..... which was given on the ..... day of 19

in respect of the hereditament described above.

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/agent 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 5

Notice of Appeal under Part III of the Lands Tribunal Rules 1963 Rule 12 (1).

To:—The Registrar,
Lands Tribunal,
3, Hanover Square,
London, W.1.

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

.....

I/We .....

of ..... Here state usual address.

hereby give notice of appeal against the decision of ..... Here insert particulars of decision.
..... given at ..... on the .....
day of ..... 19 in respect of the land described above.

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

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

Signed .....

Dated .....

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

FORM 6

Rule 16 (1). *Notice of Reference under Part IV of the Lands Tribunal Rules* 1963

To:—The Registrar,
Lands Tribunal,
3, Hanover Square,
London, W.1.

Description of land, hereditament or other property to which this reference relates .....

I/We .....

Here state usual address. of .....

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

or

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

or

[being (a) party(ies) 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(s) and address(es) of claimant(s) .....
.....]

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(a) *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 relates to any other disputed compensation, a copy of the order, direction, notice, decision, authorisation or other document which is evidence of the proceedings giving rise to compensation* must *be sent to the registrar with this notice.*

(3) *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.*

(4) *Where the reference is made pursuant to section* 141 (1) *of the Town and Country Planning Act* 1962, *a copy of the notice served under section* 139 (1) *and of the counter-notice served under section* 140 (1) must *be sent to the registrar with this notice.*

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

FORM 7

Rule 20 (1)

Application for Discharge or Modification of Restrictive Covenant under section 84 of the Law of Property Act 1925

To:—The Registrar,
Lands Tribunal,
3, Hanover Square,
London, W.1.

I/We .....

Here state usual address.

of .....

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

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*) .....].

Strike out words not applicable.

The grounds of this application are that (*here state whether the application falls within paragraphs* (*a*), (*b*) *or* (*c*) *of subsection* (1) *of section* 84) .....

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 40 years whereof 25 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 8

Objection to Application for Discharge or Modification of Restrictive Covenant under section 84 of the Law of Property Act 1925

Rule 22.

To:— The Registrar,
Lands Tribunal,
3, Hanover Square,
London, W.1.

In the matter of an application made by ..... under the above section.

Here insert name(s) of applicant(s).

I/We .....

Here state usual address.

of .....

claim to be 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*) ..... and 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 [*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 .....

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

FORM 9

Rule 27.

Application for Certificate under section 2 of the Rights of Light Act 1959

To:—The Registrar,
Lands Tribunal,
3, Hanover Square,
London, W.1.

Strike out words not applicable.

I/We .....
of .....
being [owner(s)] [tenant(s) for a term of years certain expiring in 19.....]
[mortgagee(s) in possession] of (*here describe the servient land*) .....
..... apply to the Lands Tribunal for the issue of a certificate that adequate publicity has been given to my/our proposed application for the registration in the register of local land charges of the ..... Council of a notice under section 2 of the Rights of Light Act 1959.

I/We attach two copies of the proposed application.

Application for temporary certificate. Strike out if not applicable.

[I/We also apply for the issue of a certificate authorising the registration forthwith of the proposed notice as a temporary notice. The case is one of exceptional urgency because (*here insert reasons*) .....
.....]

To the best of my/our knowledge persons likely to be affected by the registration of the notice are (*here insert names and addresses of all persons in occupation of the dominant building or having a proprietary interest in it*) .....
.....

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 .....].

Signed .....

Dated .....

FORM 10

Rule 29.

Temporary Certificate for Registration of a Notice under section 2 of the Rights of Light Act 1959

I hereby certify that for reasons of exceptional urgency a temporary notice may be registered by (*here insert name of applicant*) ..... forthwith against the building specified in the attached Form of Application for the registration of a notice under section 2 of the Rights of Light Act 1959.

A notice registered under the said application shall not have effect after the effluxion of ..... months from the date of registration unless before the expiration of that period a further certificate of this Tribunal has been lodged with the registering authority stating that due publicity has been given to the proposed registration.

Signed .....

Dated .....

Registrar
Lands Tribunal

FORM 11

Certificate for Registration of a Notice under section 2 of the Rights of Light Act 1959 Rule 30.

I certify that adequate notice of the proposed application by (*here insert name of applicant*) ..... a copy of which is attached to this certificate, to register a notice under section 2 of the Rights of Light Act 1959 against the building specified in the application, has been given to all persons who in the circumstances existing at the present time appear to the Lands Tribunal to be persons likely to be affected by the registration of such a notice.

Signed .....

Dated .....

Registrar
Lands Tribunal

FORM 12

Certificate for Registration of a Notice under section 2 of the Rights of Light Act 1959 *following Registration of a Temporary Notice* Rule 30.

I certify that adequate notice of the application by (*here insert name of applicant*) .....
to register a notice under section 2 of the Rights of Light Act 1959 against (*here insert description of dominant building as specified in the application*)
.....
has been given to all persons who in the circumstances existing at the present time appear to the Lands Tribunal to be persons likely to be affected by the registration of such a notice.

A temporary certificate authorising the registration of a temporary notice was issued by the Lands Tribunal on .....

Signed .....

Dated .....

Registrar
Lands Tribunal

SCHEDULE 2

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	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
(*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 (except on a dispute as to water rates) 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

Item	Fee
(iv) exceeds £5,000	£ s. d. 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. or part of £2 10s. by which the rent, etc., awarded exceeds £10 per annum
(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) 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
8. For a photographic copy of all or part of any document (other than a copy on which Fee No. 7 is payable), whether or not issued as an office copy—	
for each photographic sheet	
(*a*) not over foolscap size	2 0
(*b*) over foolscap size	4 0

Item	Fee
	£ s. d.
9. For a typewritten copy of any document, for each folio ...	9
and for each folio of any additional carbon copy bespoken (subject in any case to a minimum of 2s. 6d.)	4
Miscellaneous fees	
10. On a case for the decision of the Court of Appeal	
(*a*) drawing case, if not drawn by the parties	10 0
(*b*) attending the President or the Tribunal settling case	2 0 0
11. On taxation of a bill of costs for every £2 or fraction thereof allowed	1 0

Directions for payment

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

EXPLANATORY NOTE

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

These Rules, which consolidate and amend the Lands Tribunal Rules 1956 and the Lands Tribunal (Amendment) Rules of 1958 and 1959, prescribe the procedure to be followed in proceedings before the Lands Tribunal. Some amendments are consequential upon the enactment of the Land Compensation Act 1961 and the Town and Country Planning Act 1962. Others include an extension from 21 to 28 days of the time within which appeals from local valuation courts may be brought (Rule 9 (1)), an increase from £200 to £500 of the net annual value of premises required to attract the provisions relating to the exchange of statements and valuations (Rule 11), and a comprehensive revision of the fees specified in Schedule 2 to the Rules.

Part I of the Rules deals with appeals against determinations by Government departments or other authorities where the Government department or authority is itself a party to the appeal. Part II deals with appeals in rating matters from decisions of the local valuation courts set up under the Local Government Act 1948. Part III deals with any appeals to which neither Part I nor Part II applies.

Part IV deals with references of questions of disputed compensation for the compulsory acquisition of interests in land and questions on the various other matters set out in Rule 15. Part V deals with applications for the discharge or modification of restrictive covenants under section 84 of the Law of Property Act 1925. Part VI deals with applications under section 2 of the Rights of Light Act 1959.

Part VII deals generally with procedure in all proceedings. Part VIII contains provisions relating to notices, fees and miscellaneous matters.