LANDS TRIBUNAL

1952 No. 161

The Lands Tribunal (Statutory Undertakers Compensation Jurisdiction) Order, 1952

Made - - - -	30*th January*, 1952
Laid before Parliament	31*st January*, 1952
Coming into Operation	1*st February*, 1952

At the Court at Buckingham Palace, the 30th day of January, 1952

Present

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of section four of the Lands Tribunal Act, 1949(a), and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

Citation

1. This Order may be cited as the Lands Tribunal (Statutory Undertakers Compensation Jurisdiction) Order, 1952.

Interpretation

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

"The 1944 Act" means the Town and Country Planning Act, 1944(b).

"The 1947 Act" means the Town and Country Planning Act, 1947(c).

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

"The 1949 Rules" means the Lands Tribunal Rules, 1949(d).

"Appropriate Minister" in relation to statutory undertakers as defined in the 1947 Act has the meaning assigned to it by subsection (1) of section one hundred and nineteen of the said Act and in relation to a heating undertaking authorised by any enactment (including a local or private Act) means the Minister of Housing and Local Government.

"National Coal Board" means the National Coal Board established under the Coal Industry Nationalisation Act, 1946(e).

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

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

"The registrar" means the registrar for the time being of the Lands Tribunal.

(a) 12, 13 & 14 Geo. 6. c. 42.
(b) 7 & 8 Geo. 6. c. 47.
(c) 10 & 11 Geo. 6. c. 51.
(d) S.I. 1949/2263; 1949 I, p. 2420.
(e) 9 & 10 Geo. 6. c. 59.

"Proceedings under this Order" means proceedings leading to the assessment of compensation by the Lands Tribunal pursuant to Article 3 of this Order.

(2) Except in so far as the context otherwise requires any reference in this Order to any enactment or rules shall be construed as a reference to that enactment or those rules as amended extended or applied by or under any other enactment (including a local or private Act) or rules.

(3) The Interpretation Act, 1889(a), applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Transfer of jurisdiction

3. Any assessment of compensation which is required by the 1944 Act, the 1947 Act, or any other Act (including a local or private Act) or by instrument made under any such Act, to be made by the tribunal constituted under Part II of the Fourth Schedule to the 1944 Act, shall be made instead by the Lands Tribunal.

Procedure

4. The provisions of Parts III, V, and VI of the 1949 Rules shall, in relation to proceedings under this Order, have effect subject to the provisions of the next three succeeding Articles.

Notice of reference

5. Rule 12 of the 1949 Rules shall have effect for the purposes of proceedings under this Order as if at the end of paragraph (2) of the said Rule there were inserted the following words—

"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."

and as if the reference in paragraph (3) of the said Rule to any question to which paragraphs (i), (ii), or (iii) of Rule 11 of the 1949 Rules applies included a reference to proceedings under this Order.

Assessors

6.—(1) In any case relating to compensation payable to the National Coal Board by virtue of regulations made in pursuance of section 90 of the 1947 Act, the President shall direct that the tribunal shall hear the case with the aid of an assessor selected by the President from the members of a panel appointed by the Minister of Fuel and Power of persons appearing to him to have special knowledge and experience of coal mining:

Provided that the provisions of this paragraph shall have no application in any case where the tribunal consists of or includes a member of the panel mentioned therein.

(2) In every other case coming before a tribunal pursuant to the provisions of this Order the President shall direct that the tribunal shall hear the case with the aid of two assessors, namely—

(*a*) a person having special knowledge and experience of the branch of civil engineering applicable to the circumstances of the case, and

(*b*) a person selected by the President, as a person having special knowledge and experience of statutory undertakings of the kind carried on by the claimant, from the members of a panel appointed by appropriate Ministers of persons appearing to them to have such knowledge and experience of statutory undertakings:

(a) 52 & 53 Vict. c. 63.

Provided that—

(i) the appointment of assessors may be dispensed with in any case where the tribunal consists of or includes two persons of whom one is qualified as mentioned in sub-paragraph (*a*) of this paragraph and the other as mentioned in sub-paragraph (*b*) thereof, and

(ii) where the tribunal consists of or includes a person qualified as mentioned in one of the said sub-paragraphs but does not include a person qualified as mentioned in the other sub-paragraph, the requirements of this paragraph shall be deemed to be complied with by the appointment of one assessor, being a person qualified as mentioned in that other sub-paragraph.

(3) The foregoing provisions of this Article shall be without prejudice to the power of the President to appoint additional assessors in pursuance of Rule 30 of the 1949 Rules.

Fees

7. For the purposes of paragraph 8 (B) of the Third Schedule to the 1949 Rules the amount awarded by the tribunal in any case where the amount of compensation is assessable in accordance with the provisions of paragraph 2 of Part 1 of the Fourth Schedule to the 1944 Act shall be deemed to be the amount of the compensation assessed in accordance with sub-paragraph (1) of the said paragraph 2 before such amount is reduced in accordance with sub-paragraph (2) of that paragraph.

Provision for variation of this Order

8. The provisions of this Order, other than Article 3 hereof, may be revoked or varied by Rules made under the Lands Tribunal Act.

Commencement

9. This Order shall come into operation on the first day of February, 1952.

F. J. Fernau.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order, which is made under Section 4 of the Lands Tribunal Act, 1949, transfers to the Lands Tribunal the jurisdiction at present exercisable by a special tribunal constituted in accordance with the Fourth Schedule to the Town and Country Planning Act, 1944. The jurisdiction of that tribunal, which has never in fact been set up, covers disputes about the compensation payable to statutory undertakers on the compulsory purchase of, or the imposition of restrictions on the use of, their land. Disputes about the compensation payable in similar circumstances to the National Coal Board are also referable to the tribunal by virtue of the Town and Country Planning (National Coal Board) Regulations, 1951 (S.I. 1951 No. 716).

The transfer of this jurisdiction to the Lands Tribunal is provided for in Article 3. The remaining Articles make minor and consequential amendments to the Lands Tribunal Rules, 1949, which form the general code governing the work of the Lands Tribunal. In particular, Article 6 provides for the appointment of persons with special qualifications to hear all cases which come before the Lands Tribunal in pursuance of this Order.