THE LANDS TRIBUNAL

UPPER TRIBUNAL (LANDS CHAMBER)

www.landstribunal.gov.uk

EXPLANATORY LEAFLET

A SHORT GUIDE FOR USERS

1 June 2009

ADDRESSES

The Lands Tribunal is based at **43-45 Bedford Square, London, WC1B 3AS**

Telephone:	020 7612 9710
Fax:	020 7612 9723
DX:	149065 Bloomsbury 9
Email:	lands@tribunals.gsi.gov.uk

Please contact the Tribunal if you are unable to find the information you require in this or the other documents on our website. Tribunal staff are not able to provide legal advice.

Website: www.landstribunal.gov.uk
Our website provides information to assist parties with cases in the Lands Tribunal. On our website are the Lands Tribunal Rules and the Interim Practice Directions and Guidance, which together govern our procedures and procedural flowcharts for the main types of cases, which set out the different stages and steps to be taken in the course of proceedings. Also available are our recently published decisions and forms for commencing proceedings.

The jurisdiction of the Lands Tribunal covers certain matters in respect of land in England and Wales only. The equivalent bodies for Scotland and Northern Ireland are:

The Lands Tribunal for Scotland	The Lands Tribunal for Northern Ireland
George House 126 George Street Edinburgh EH2 4HH DX ED 259 LP 14 Edinburgh 2 Tel: 0131 271 4350 Fax: 0131 271 4399 Email: mailbox@lands-tribunal-scotland.org.uk	Royal Courts of Justice Chichester Street Belfast BT1 3JJ Tel: 02890 327703 Fax: 02890 546187 Email: lands.tribunal@dfpni.gov.uk

LIST OF ACTS AND STATUTORY INSTRUMENTS[1]

Some of the most important Acts and Statutory Instruments that apply to the Lands Tribunal are these:
Arbitration Act 1996
Commonhold and Leasehold Reform Act 2002
Compulsory Purchase Act 1965
Finance Act 2003
Housing Acts 1985, 1988, 1996, 2004
Land Compensation Acts 1961, 1973
Landlord and Tenant Acts 1985, 1987
Lands Tribunal Act 1949
Law of Property Act 1925
Leasehold Reform Act 1967
Leasehold Reform, Housing and Urban Development Act 1993
Local Government Finance Act 1988 (Rating)
Rights of Light Act 1959
Town and Country Planning Act 1990
Tribunals, Courts and Enforcement Act 2007

Statutory Instruments:
Lands Tribunal Rules 1996 (SI 1996 No. 1022)
Lands Tribunal (Amendment) Rules 1997 (SI 1997 No. 1965)
Lands Tribunal (Amendment) Rules 2003 (SI 2003 No. 2945)
Lands Tribunal (Amendment) Rules 2006 (SI 2006 No. 880)
Local Land Charges Rules 1977
Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005
The Upper Tribunal (Lands Chamber) (Fees) Order 2009 (SI 2009 No. 1114)
The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (SI 2009 No.1307)
Town and Country Planning (Compensation and Certificates) Regulations 1974

A copy of the Lands Tribunal Rules as amended may be viewed online or downloaded from our website at www.landstribunal.gov.uk. Statutes and statutory instruments may be purchased from TSO at www.tsoshop.co.uk, viewed in Halsbury's Statutes or Statutory Instruments (found in law libraries) or viewed or downloaded from the UK Statute Law Database at www.statutelaw.gov.uk or from the Office of Public Sector Information at www.opsi.gov.uk (from 1988 onwards).

[1] Please note that the list is not complete. For more information see the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (SI 2009 No.1307).

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1. INTRODUCTION

1.1 What is the Lands Tribunal?

The Lands Tribunal is a specialist court established in 1949 to resolve certain disputes concerning land, particularly the valuation of land. It has power to hear cases under many different Acts of Parliament and statutory instruments. It hears appeals from Valuation Tribunals, Leasehold Valuation Tribunals and Residential Property Tribunals. It determines disputed compensation in compulsory purchase and certain other types of land compensation cases. The Tribunal also considers applications to discharge or modify restrictions on the use of land and deals with a range of other types of cases.

In June 2009 the Lands Tribunal joined the new two-tier tribunal system established by the Tribunals, Courts and Enforcement Act 2007 when it became the Lands Chamber of the Upper Tribunal. As its functions have not changed, for the time being the Lands Chamber of the Upper Tribunal is still known as the Lands Tribunal. The Lands Tribunal Rules 1996 (the "Rules"), which govern the way cases are dealt with, continue in force in an amended form. The Rules operate together with the Interim Practice Directions and Guidance (the "Practice Directions"). The Practice Directions provide important additional guidance on most aspects of a case such as filing statements of case and other documentation and giving evidence in Lands Tribunal proceedings.

This leaflet outlines some basic information. It is intended to help Tribunal users but is not a substitute for taking professional advice. As well as considering all statutes and statutory instruments relevant to your case, you should consult the Lands Tribunal Rules, Fees Order and Practice Directions and Guidance.

The Tribunal has a Chamber President, who is the judicial head; a number of judges, and specialist members, who are chartered surveyors; and two registrars, who have certain case management and decision making powers. The administrative staff that supports the Tribunal is part of the Tribunals Service and is the responsibility of the Tribunal Manager.

The Lands Tribunal office and permanent courtrooms are in London but hearings can be arranged anywhere in England or Wales subject to availability of courtrooms. There are separate Lands Tribunals for Scotland and for Northern Ireland (see page 2).

The Administrative Justice and Tribunals Council has certain supervisory responsibilities regarding the Lands Tribunal; its address is:

81 Chancery Lane, London, WC2A 1BQ
Tel: 020 7855 5200
Fax: 020 7855 5201
Email: Enquiries @ajtc.gsi.gov.uk
Website: www.ajtc.gov.uk

1.2 What cases does the Lands Tribunal deal with?

The main types are:

- Rating appeals. Appeals against decisions of Valuation Tribunals concerning the rateable values or rateability of commercial, industrial and other non-domestic properties.
- Compulsory purchase. Disputed valuations of compulsorily purchased land or properties.
- Land compensation. Claims for compensation for loss of value arising from public works, such as noise nuisance from new roads, or from coal mining subsidence.
- Restrictive covenants. Applications to discharge or modify restrictive covenants on land.
- Appeals from Leasehold Valuation Tribunals. Appeals against decisions concerning the price payable for enfranchisement (the purchase of the freehold by residential tenants), the renewal of leases, service charges, the management of leasehold property and other matters.
- Appeals from Residential Property Tribunals. Appeals against decisions concerning emergency action taken by local housing authorities; demolition orders or declarations of a clearance area; homes in multiple occupancy and other house licences; and additional matters such as prohibition, improvement or overcrowding notices and management orders.
- Applications for a certificate to support an application to register a light obstruction notice under the Rights of Light Act 1959.
- The Lands Tribunal has power to deal with many other matters, the most common of which are set out below at paragraphs 7.1 to 7.5.

1.3 How are cases begun?

The person wishing to make a reference, application or appeal to the Tribunal sends a written notice to the Registrar providing all the necessary information and accompanied by the applicable fee. Each type of case has a particular form that should be used for the notice. The forms may be downloaded from our website and are issued by the Tribunal office free on request. These forms all require a description of the land or premises in question and the names and addresses of the parties to the matter and their representatives. The exact form of notice varies according to the type of case and further particulars are given below. Strict time limits apply for appeals to the Lands Tribunal and permission to appeal is required for appeals from leasehold valuation tribunals or residential property tribunals. More information is set out below. It is important to also see the Rules and the Practice Directions on our website.

1.4 What fees and costs will I have to pay?

The Lands Tribunal is required to charge a filing fee for registering a new case, appeal or application, a hearing fee, and certain other fees during the proceedings, such as for an application for an extension of time for complying with any of the Tribunal's directions. The fees vary according to the type and size of case. Further information is given below and the Fees Order with its schedule of fees may be viewed on our website. **Please note that cheques should be made payable to the "Tribunals Service".**

The Lord Chancellor is able to waive or reduce fees in exceptional circumstances where payment of a fee would involve undue financial hardship. Please contact the Tribunal if you think you may be eligible for a fee to be reduced or waived. You will need to complete a form and provide information on your income and expenses.

Under some of its jurisdictions the Tribunal has power to order one party to pay another party's legal costs and fees incurred in the case. The circumstances and principles on which it does so differ depending on which types of case it is. More information on costs is set out below. It is important to also see the Rules and the Practice Directions on our website. When the Simplified Procedure is followed, in small or simple cases, costs are not usually awarded but fees are still payable to the Tribunal, such as the fee for determining the case.

Community Legal Service funding (formerly called Legal Aid) is not generally available for cases before the Lands Tribunal. However, in certain exceptional circumstances it may be granted. For further information see the Legal Services Commission website at http://www.legalservices.gov.uk/civil.asp or call 0845 345 4345. Any solicitor who deals with Community Legal Service funding cases should also be able to provide further information.

1.5 Will there be a hearing in court?

Probably. If the parties are unable to settle the dispute themselves or with the assistance of mediation or another alternative method of dispute resolution, a hearing will usually take place in court. At the hearing each party puts forward their arguments and their evidence under oath, and each witness may be cross-examined by the opposing side. If the "simplified procedure" (see 1.8 below) is followed, the hearing will be informal. Where both parties agree (or where an application or claim is unopposed) and the Tribunal considers it appropriate, the case can be dealt with without a hearing (see "written representation procedure" below). The Rules require that most hearings be open to the public.

1.6 How long will it all take?

That depends on the nature of the case. If the parties prepare and file all the relevant documents promptly and are able to attend a hearing at an early date, the Tribunal may be able to deal with the case quickly. In most cases, especially if they are large, complex or have many parties, getting the case ready for hearing takes many months. The Tribunal endeavours to dispose of cases at the earliest possible date while taking into account the needs and wishes of the parties. If you are ready to proceed and anxious for an expeditious outcome, you may apply to the Tribunal for the earliest available hearing date. Hearings can usually be fixed most quickly at the Tribunal's own courts in London.

1.7 Do I need to instruct lawyers and expert witnesses?

A party may conduct their own case and appear on their own behalf at the hearing. However, as the law and facts may be complex, professional representation is often necessary. When solicitors are instructed to act the Tribunal corresponds directly with the solicitors concerned. Very often surveyors and other professionals are engaged to appear as expert witnesses. The Tribunal considers that generally experts should not act both as advocate and as expert witness. However, in small or very simple cases permission may be granted by the Tribunal. An application should be made prior to the hearing. For more information on expert evidence please see our Practice Directions.

1.8 The special, simplified and written representations procedures

The procedures generally described in this leaflet are the **"standard procedure"** used in most cases.

Cases that are complex, of high value, or of wider importance are dealt with under the **"special procedure".** Such cases are case managed by a judge or member of the Tribunal from the outset. An early pre-trial review is usually fixed to ensure that appropriate directions are given and that a timetable is set.

In certain smaller, simpler or straightforward cases, time and costs may be saved by use of the **"simplified procedure".** Under this procedure a date for the hearing usually about three months ahead will be fixed early in the proceedings generally on the basis that:

- All necessary documents will be sent to the Tribunal and other parties 28 or 14 days prior to the hearing
- legal representation will not be required
- a chartered surveyor may be allowed to act both as advocate and as expert witness
- the hearing will be informal, usually with no swearing-in of witnesses
- usually no costs order will be made
- the usual tribunal fees, such as the hearing fee, are payable.

There is also a **"written representations procedure"** under which in suitable cases the Tribunal may deal with the case without an oral hearing by considering written representations sent in by the parties.

More information on our procedures is available in the Rules, the Practice Directions and the procedure flowcharts, all of which may be viewed online at our website or requested from our office. When commencing or responding to a case you should indicate on the Tribunal form which of these procedures you consider suitable for your case and your reasons. You may also request a particular procedure during the course of proceedings.

2. RATING APPEALS

2.1 Valuation Tribunals

The Lands Tribunal hears appeals against decisions of Valuation Tribunals ("VTs") concerning the rateable values or rateability of commercial, industrial and other non-domestic properties. A proposal by an occupier to change an entry in the valuation list (if it is not agreed), or an appeal by an occupier against a change in the list made by a valuation officer, is heard in the first instance by the local VT for the area. The VT gives a decision in writing specifying how the entry in the list is to be dealt with. Parties who appeared or were represented at the hearing (but no-one else) are entitled to appeal to the Lands Tribunal, which re-hears the whole matter afresh (i.e. does not review the VT hearing).

2.2 Notice of appeal and time limits

If you wish to appeal, a notice of appeal on **Form RA** should be sent to the Registrar of the Lands Tribunal within 28 days of the date of the VT's decision. Form RA may be downloaded from our website or requested from our office. A fee of 1% of rateable value subject to a minimum of £50 and a maximum of £5,000 must be paid on making the appeal. Provided the appeal is in order, and accompanied by the correct fee, the appeal will be registered and given a case number, and a copy of the notice of appeal will be sent to the other party at the VT hearing.

To avoid delay please quote the case number on all communications with the Lands Tribunal and ensure you send a copy of any letters and applications to the other party or, if they are represented, to their solicitor or other representative.

2.3 Statement of case and reply and time limits

The other party to the VT hearing, if they wish to be a respondent to the Lands Tribunal appeal, must file a notice of intention to respond with the Lands Tribunal and the appellant within 28 days of receiving notice of appeal. Within 28 days of receiving a notice of intention to respond the appellant must send papers fully setting out their case (the statement of case) directly to the respondent and to the Tribunal, together with whatever valuations or other documents the appellant intends to rely on at the hearing. In turn, the respondent must send their reply to the appellant and to the Tribunal within 28 days of receiving the statement of case.

These time limits may be extended by the Registrar on application, but only if he or she considers it appropriate to do so. A fee of £40, payable to the "Tribunals Service" must accompany any application to extend time. The prior consent of the other party should be sought and the reasons for the application and the amount of extra time requested must be stated. A copy of the other party's consent should also be attached or else a copy of the application must be sent to the other party and the application must state that this was done.

2.4 Expert witness evidence and other documents

Where the parties intend to call expert evidence at the hearing of the appeal, they will be required to file expert reports and supporting documents. Neither party may take their opponents by surprise at the hearing by withholding material until the last minute. The requirements are described at paragraph 9 below and the section on expert evidence in the Practice Directions should be consulted.

2.5 Preparing for the hearing

It is necessary to prepare and supply to the Tribunal and the other party in advance of the hearing all witnesses' statements, documents, plans, valuations, reports, and legal precedents which are to be used or referred to during the hearing.

2.6 Costs

In general the Tribunal will order the costs of a successful appellant to be paid by the respondent, while an unsuccessful appellant will be ordered to pay the respondent's costs. This general rule will not apply if the appellant achieves only a minimal variation in the determination of the VT or where the conduct of the successful party has unnecessarily increased the costs incurred by the unsuccessful party.

3. LAND COMPENSATION REFERENCES

3.1 Compulsory purchase and blight

When the parties cannot reach agreement the Lands Tribunal has power to determine the amount of compensation payable for land compulsorily purchased by a public authority or private body using statutory powers, or when landowners claim compensation for depreciation in the value of their land caused by public works such as the construction of a nearby road, railway or airport. The Tribunal has no power to consider the validity of a compulsory purchase order. A

challenge to the validity of a compulsory purchase order lies to the Administrative Court, which is part of the High Court.

3.2 How the case is started

A case is referred to the Tribunal by filing a notice of reference on **Form R**. In addition to providing the names of the parties and their representatives, it is necessary to state the nature of compensation claimed, the date the acquiring authority entered on the land (if applicable), the type of procedure considered most appropriate and whether an expert witness is to be called. Form R is available from our website or may be requested from our office. A fee of £50 payable to the "Tribunals Service" must be paid on filing the reference. The Tribunal will register the reference and send a copy of the notice to the other party. The reference will also be given a case number. To avoid delay please quote the case number on all communications with the Lands Tribunal and ensure you send a copy of any letters and applications to the other party or, if they are represented, to their solicitor or other representative.

3.3 Statement of case and reply

The Registrar will normally direct the claimant to send to the Tribunal and the other party within a limited period (usually 28 days) a statement of the claimant's case and will direct the acquiring or compensating authority to serve a reply (usually within 28 days of the statement of case). These time limits may be extended by the Registrar on application, but only if he or she considers it appropriate to do so. A fee of £40, payable to the "Tribunals Service" must accompany any application to extend time. The prior consent of the other party should be sought, the reasons for the application and the amount of extra time requested must be stated. A copy of the other party's consent should also be attached or else a copy of the application must be sent to the other party and the application must state that this was done.

3.4 Expert witness evidence and other documents

Where the parties intend to call expert evidence at the hearing of the case, they will be required to file expert reports and supporting documents. Neither party may take their opponents by surprise at the hearing by withholding material until the last minute. The requirements are described at paragraph 9 below and the section on expert evidence in the Practice Directions should be consulted.

3.5 Preparing for the hearing

It will be necessary to prepare and supply to the Tribunal and the other party in advance of the hearing all witnesses' statements, documents, plans, valuations, reports, and legal precedents which are to be used or referred to during the hearing.

3.6 Costs

The general rule is that claimants whose land is compulsorily acquired will be awarded their costs. This general rule will not apply where the acquiring authority has made a admissible offer of compensation that is more than the Tribunal's award (when the claimant will normally be ordered to pay the authority's costs incurred after the date of the offer) or where the claimant's conduct has unnecessarily increased the costs incurred by the authority. Also, claimants who have not delivered to the authority a notice of claim will not be entitled to their costs. For more information about admissible offers of compensation is provided in the Practice Directions in the section dealing with costs.

4. RESTRICTIVE COVENANTS

4.1 Section 84 of the Law of Property Act 1925

The owner of (or a person having certain other legal interests in) land that is subject to a restrictive covenant may apply to the Tribunal to have that restriction discharged or modified. A restrictive covenant is a restriction imposed for the benefit of one plot or area of land that prevents another plot or area of land from being used in certain ways. For example, a landowner may wish to extend their house or construct another house on their land but be prevented from doing so by a restrictive covenant that was imposed to protect the view from adjoining land by someone who once owned both plots of land.

The Lands Tribunal's powers to discharge or modify restrictive covenants are strictly limited by the terms of section 84 of the Law of Property Act 1925 (as amended in 1969). It is advisable to seek professional advice before applying to the Tribunal for a discharge or modification as the law on restrictions affecting land is especially complex and substantial costs can be incurred. Owners of land with the benefit of the covenant may object to the proposed loss of or variation to their current legal rights. A successful applicant may be ordered to pay compensation to the objector or objectors for the discharge or modification. And, as explained in greater detail in the Practice Directions, unsuccessful applicants are usually liable for the costs of any objector or objectors.

4.2 Making the application

An application is made by sending to the Lands Tribunal a completed **Form LPA** giving the details of the applicant, the land they own, full details of the restrictive covenant and how it was imposed, identifying which land has the benefit of the covenant, the nature of the changes sought and whether planning permission has been sought or granted in the previous five years. Form LPA is available on our website or may be requested from our office. There is a fee of £200 payable to the "Tribunals Service" on filing the application. To avoid delay it is important to file with the application all relevant documents. These are listed on form LPA and include the conveyance or other legal document that created the restrictive covenant together with a coloured copy of any attached plan.

4.3 Serving notices

After the application has been registered, given a case number and is in order, the Registrar will give directions for giving notice of the application to persons who may be entitled to the benefit of the restriction. This may involve newspaper advertisements, erecting notices on the land, or service of the application or a publicity notice by hand or post on landowners who may have the benefit of the restrictive covenant. The applicant must later certify to the Tribunal that the directions for service have properly been carried out.

4.4 Objectors

Anyone legally entitled to the benefit of the restrictive covenant who wishes to object to the proposed discharge or modification may send an objection to the Tribunal and to the applicant. Form LPO, the notice of objection form, is available on our website and will also be supplied on request. The applicant generally will have served a copy of the notice of objection form on owners who may have the benefit of the restriction together with the publicity notice or copy of the application. Objectors must say how they are entitled to the benefit of the covenant, why they object and (if applicable) how much compensation they claim if the application succeeds.

There is no fee for objecting. See the paragraphs below for important information regarding costs.

4.5 Preliminary issues of entitlement

After the application has been publicised in accordance with the Registrar's directions:

a) If there are no objectors the applicant may ask the Tribunal to consider the application without a hearing.

b) If there are one or more objectors all of whom are acknowledged by the applicant as entitled to the benefit of the restriction, the case proceeds to dealing with the substantive issues.

c) If one or more objectors are not admitted by the applicant, a preliminary hearing may be arranged at which the Tribunal will decide whether those objectors should be excluded or admitted. Only those persons with a legal right to the benefit of the restrictions are entitled to object to the application. See the paragraph below on costs for important information regarding costs of deciding objector entitlement.

4.6 Preparing for the hearing: witnesses and documents

When any issues of entitlement to object have been resolved and one or more objectors is still a party to the case, preparations for the main hearing of the application need to be made. Where the parties intend to call expert evidence at the hearing of the application, they will be required to file and serve their reports and supporting documents. Neither party may take their opponents by surprise at the hearing by withholding material until the last minute. The requirements are described at paragraph 9 below and the section on expert evidence in the Practice Directions should be consulted.

4.7 Costs

Costs relating to section 84(3A) hearings (entitlement to the benefit of the restriction)

If an applicant disputes that an objector is legally entitled to the benefit of the restrictive covenant, the objector must provide evidence of their entitlement. If this does not resolve the question a hearing may be held for the Tribunal to decide this preliminary issue. Usually the applicant will be required to pay to any objector who establishes at the hearing that they are entitled to the benefit of the covenant the costs that objector incurred in proving their entitlement. On the other hand, an objector who is not able to establish at the hearing that they are entitled to the benefit of the covenant, is not able to proceed with their objection to the application. Such an objector is also likely to be liable for the applicant's costs on this issue.

Costs relating to the application and to objections to it

Generally, unless the conduct of an objector in opposing an application has been unreasonable, successful objectors will be awarded their costs. Successful applicants cannot however expect to be awarded their costs. That is, even if unsuccessful, an objector will not usually be ordered to pay the applicant's costs unless the conduct of the unsuccessful objector has been unreasonable. It is only in exceptional circumstances that an applicant would be ordered to pay the costs of an unsuccessful objector. In making a decision on costs, as well as considering the conduct of the parties, the Tribunal will take into account any offer to settle that either party may have made.

5. APPEALS FROM LEASEHOLD VALUATION TRIBUNALS

5.1 Leasehold Valuation TribunalS (LVTs)

LVTs, part of the Residential Property Tribunal Service, hear and decide appeals about matters concerning long leasehold properties such as:

(i) the enfranchisement price payable by certain residential tenants with a long lease to purchase the freehold reversion from the landlord and the extension or renewal of leases; and

(ii) the reasonableness of service charges, the cost of works; the proposed appointment of a manager and similar matters.

An appeal against a decision of an LVT is heard by the Lands Tribunal.

5.2 Requirement for permission to appeal

Parties to proceedings before an LVT (but no-one else) may to appeal to the Lands Tribunal against the LVT's decision, but they cannot do so without permission. Permission (leave) to appeal must be applied for and granted before an appeal may proceed. Note that there are strict time limits, so if you wish to appeal you should contact the LVT urgently.

5.3 Permission to appeal: applying first to the LVT

To appeal you must apply first to the LVT for permission. The Lands Tribunal will not accept an appeal from you unless you have done so. You should contact the LVT (at the address given on its decision) about how to apply for permission. There is a time limit for applying to the LVT of 21 days.

5.4 If the LVT has GRANTED permission to appeal

An appeal may be filed by sending a completed **Form LR** to the Lands Tribunal. The form, available on our website or from our office, has a place for indicating that permission has been granted. *Please note that the Tribunal does not have access to LVT documents or files so you must also provide a copy of the notice from the LVT granting permission to appeal together with a copy of the decision from which you are appealing and any other documents you wish to rely upon during the appeal, such as the lease*. The fee for filing an appeal is £50 payable to the "Tribunals Service". The case will be registered as an appeal, given a case number and served on the other party.

5.5 If the LVT has REFUSED permission to appeal

An application for permission may be made to the Lands Tribunal. Both the proposed appeal and the application for permission to appeal should be set out on **Form LR**. It is for the applicant to satisfy the Lands Tribunal that permission to appeal should be given so the reasons must be explained fully. *Please note that the Lands Tribunal does not have access to LVT documents or files so you must provide a copy of the decision from which you wish to appeal, a copy of your application to the LVT for permission to appeal and a copy of the decision of the LVT decision refusing permission to appeal when you send the application. Also send a copy of every document on which you rely, such as the lease.* The fee for filing an application for permission to appeal of £40 must be paid in addition to the £50 appeal fee. Cheques are payable to the "Tribunals Service".

5.6 Time limits

There is a time limit for applying and appealing to the Lands Tribunal so you should act quickly. If you wish to appeal, the Form LR should be sent to the Registrar of the Tribunal within 28 days of the date of the sending of the notice from the LVT granting or 14 days of the sending of the notice from the LVT refusing permission to appeal. Form LR can be downloaded from the Lands Tribunal website or requested from our office.

5.7 Late applications

If you are out of time, you will need to apply for an extension of time, giving reasons for lateness. An extra £40 fee is payable. The other party may object to any extension of time being granted.

5.8 Urgency directions

For appeals from an LVT an urgency direction may be issued to shorten the time limits that otherwise apply for: 1. giving notice to the Registrar of an intention to appeal when permission to appeal has been granted by the LVT; 2. filing and serving a notice of intention to respond; 3. filing and serving a statement of case; and 4. filing and serving a reply to a statement of case. An urgency direction may also permit the application to the LVT for permission to appeal to stand as notice to the Registrar of the Lands Tribunal of an intention to appeal.

An urgency direction may be made by the Tribunal acting on its own initiative or on application by a party. The fee for an urgency direction is £40 payable to the "Tribunals Service". The reasons for the application and the amount of reduction in time requested must be stated. A copy of the application must be sent to the other party and the application must state that this was done.

5.9 Case numbers

Provided the appeal (and application if required) is in order, and accompanied by the correct fee(s), the case will be registered and given a case number. To avoid delay please quote the case number on all communications with the Lands Tribunal and ensure you send a copy of any letters and applications to the other party or, if they are represented, to their solicitor.

5.10 Fees

The filing fee for an appeal is £50 (payable to the "Tribunals Service"). It must be paid whether permission has been granted by the LVT or not. Other fees may be payable later in the case. There is also an additional £40 fee is payable on applying to the Lands Tribunal for permission to appeal. If you are also late and need to apply for permission to appeal out of time you must pay a further £40 fee. If the application for permission to appeal is refused only the £50 appeal fee will be refunded.

In exceptional circumstances involving undue financial hardship, fees may be waived or reduced. You will need to complete a written application and provide information regarding your income and expenses. Please contact the Tribunal if you think you are eligible for the waiving or reduction of a fee.

5.11 Other parties

Unless the Lands Tribunal immediately dismisses the application as lacking merit, a copy of the application for permission to appeal will be sent by the Lands Tribunal to the

other party or parties to the LVT appeal. They usually have 14 days within which to make any written representations about the applications they wish to make.

5.12 Review or rehearing

There are three ways in which an appeal may proceed. If the case is an appeal by way of review, no further evidence is heard and the Tribunal is asked to give a decision on whether at the earlier hearing the LVT correctly applied the law to the evidence.

If the case is an appeal by way of review with a view to rehearing, initially no further evidence is heard, but if the Tribunal is satisfied that the LVT incorrectly applied the law or that the earlier hearing contained serious procedural errors, a new hearing will held before the Tribunal.

If the case is an appeal by way of rehearing, the case is completely reheard, with each party calling all the evidence they rely upon to establish their case. The Tribunal may at its discretion allow the parties to present new evidence that was not given before the LVT.

When granting permission to appeal the Tribunal will take into account whether you wish to have a review, review with a view to rehearing or a rehearing, but will make its own assessment of which type of appeal is most appropriate.

5.13 Determining an application for permission to appeal

There will not normally be a hearing. Instead the Lands Tribunal will decide the application on the papers. If exceptionally the Tribunal decides to hold a hearing, all parties will be invited to attend and speak.

- If the Lands Tribunal GRANTS permission to appeal the appeal will be allowed to proceed.
- If the Lands Tribunal REFUSES permission to appeal no appeal will be heard and the matter is concluded.

5.14 Statement of case and reply

Provided permission to appeal is granted either by the LVT or by the Lands Tribunal, and the case proceeds, the other party to the LVT hearing is invited within 28 days (or less if an urgency direction has been given) if they wish to be a respondent party to the Lands Tribunal appeal to file with the Tribunal and the Appellant a notice of intention to respond. When filing a notice of appeal the appellant may apply to have their application to the LVT for permission to appeal stand as their statement of case. When making an application to the Lands Tribunal for permission to appeal the appellant may also apply to have that application stand as their statement of case, in the event that permission is given. Otherwise, within 28 days (or less if an urgency direction has been given) of receiving a notice of intention to respond or notification that there will be no respondent, the appellant must send papers setting out their case (a statement of case) both to the Tribunal and directly to the respondent. The appellant must also file with the Tribunal and serve upon the respondent a copy of every document they wish to rely upon at the hearing, if they have not already done so. In turn the respondent, if one, must send a statement setting out why they disagree with the appellant's case (a reply) to the appellant and to the

Tribunal within 28 days (or less if an urgency direction has been given) of receiving the appellant's statement of case.

5.15 Extensions of time

Unless an urgency direction has been given, the time limits for filing with the Tribunal and serving the other party with a statement of case or a reply may be extended by the Tribunal. An application for an extension of time is required for which the fee is £40. An application for an urgency direction to shorten time limit(s) may be made for which the fee is also £40. Cheques are payable to the "Tribunals Service". The prior consent of the other party should be sought, the reasons for the application and the amount of extra or reduced time requested must be stated. A copy of the other party's consent should also be attached or else a copy of the application must be sent to the other party and the application must state that this was done.

5.16 Expert witness evidence and other documents

Where the appeal is by way of rehearing and then parties intend to call expert evidence, they will be required to file expert reports and supporting documents. Neither party may take their opponents by surprise at the hearing by withholding material until the last minute. The requirements are described at paragraph 9 below and the section on expert evidence in the Practice Directions should be consulted.

5.17 Preparing for the hearing

It is necessary to prepare and supply to the Tribunal and other party in advance of the hearing all witnesses' statements, documents, plans, valuations, reports, and legal precedents which are to be used or referred to during the hearing.

5.18 Costs

No award of costs in appeals from an LVT will be made unless a party has acted unreasonably in connection with the appeal, and any such costs order will not exceed £500.

6. APPEALS FROM THE RESIDENTIAL PROPERTY TRIBUNAL

6.1 Residential Property Tribunals (RPTs)

RPTs, part of the Residential Property Tribunal Service, hear and decide appeals about certain aspects of the regulation of private rented properties by local housing authorities. These include:

(i) Emergency remedial action and emergency prohibition notices;
(ii) Demolition orders and declarations of clearance areas;
(iii) Prohibition, improvement and overcrowding notices and management orders; and
(iv) The licensing of multiple occupation and certain other residential houses.

Appeals against a decision of an RPT on any of these matters is heard by the Lands Tribunal.

6.2 Requirement for permission to appeal

Parties to proceedings before the RPT may appeal to the Lands Tribunal against the RPT's decision, but they cannot do so without permission. Permission (leave) to appeal must be applied for and granted for an appeal to proceed. Note that there are time limits, so if you wish to bring such an appeal you should contact the RPT urgently.

6.3 Permission to appeal: Applying first to the RPT

To appeal you must apply first to the RPT for permission to appeal. The Lands Tribunal will not accept the case unless you have done so. You should contact the RPT (at the address given on its written decision) about how to apply for permission. There is a time limit for applying to the RPT of 14 days.

6.4 If the RPT has GRANTED permission to appeal

An appeal may be filed by sending a completed **Form HA2** to the Lands Tribunal together with the £50 appeal fee, payable to the "Tribunals Service". The form, which can be downloaded from our website or requested from our office, has a place for indicating that permission has been granted. *Please note that the Tribunal does not have access to RPT documents or files so you must also provide a copy of the notice from the RPT granting permission to appeal together with a copy of the decision from which you are appealing and any other documents you wish to rely upon during the appeal.* The case will be registered as an appeal, and notice of the appeal will be served on the other party.

6.5 If the RPT has REFUSED permission to appeal

An application for permission to appeal may be made to the Lands Tribunal. Both the application for permission to appeal and the grounds of the proposed appeal should be set out on **Form HA1**, which may be downloaded from our website or requested from our office. *Please note that the Lands Tribunal does not have access to RPT documents or files so you must provide a copy of the decision from which you wish to appeal, a copy of your application to the RPT for permission to appeal and a copy of the decision of the RPT decision refusing permission to appeal when you send the application. Also send a copy of every document on which you rely.* In addition to the £50 appeal fee, there is a £40 application for permission to appeal fee. All fees are payable to the "Tribunals Service".

Unless the Lands Tribunal immediately dismisses the application as lacking merit, a copy of the application for permission to appeal will be sent by the Lands Tribunal to the other party or parties to the RPT appeal. They may make written representations about the application if they wish to do so.

6.6 Time limits

There is a time limit for applying for permission to appeal and for appealing to the Lands Tribunal so you should act quickly. If you wish to appeal Form HA should be sent to the Registrar of the Lands Tribunal:

within 14 days of the date the notice from the RPT refusing permission to appeal was sent; or
within *28 days* (or less if there is an urgency direction) of the date the notice from the *RPT granting permission* to appeal was sent.

In certain circumstances the 28 day period may be shortened by the Lands Tribunal by an urgency direction.

6.7 Late applications

If you miss the time limit, you may apply for an extension of time in which to file the appeal or to apply for permission to appeal giving the reason(s) for your late application. The

application for an extension of time is made on Form HA. An extra £40 fee is payable. The other party may object to any extension of time being granted.

6.8 Urgency directions

For appeals from an RPT an urgency direction may be issued to shorten the time limits that otherwise apply for: 1. giving notice to the Registrar of an intention to appeal when permission to appeal has been granted by the RPT; 2. filing and serving a notice of intention to respond; 3. filing and serving a statement of case; and 4. filing and serving a reply to a statement of case. An urgency direction may also permit the application to the RPT for permission to appeal to stand as notice to the Registrar of the Lands Tribunal of an intention to appeal. An urgency direction may be made by the Tribunal acting on its own initiative or on application by a party. The fee for an urgency direction is £40 payable to the "Tribunals Service". The reasons for the application and the amount of reduction in time requested must be stated. A copy of the application must be sent to the other party and the application must state that this was done.

6.9 Case numbers

Provided the appeal (and application for permission to appeal, if the RPT has refused permission to appeal) is in order, and accompanied by the correct fee(s), the case will be registered and given a case number. To avoid delay please quote the case number on all communications with the Lands Tribunal and ensure you send a copy of any letters and applications to the other party or, if they are represented, to their solicitor.

6.10 Fees

The filing fee for an appeal is £50. This must be paid whether or not permission has been granted by the RPT. If the RPT has refused permission to appeal a second fee is payable. This is an application fee of £40 for the application to the Lands Tribunal for permission to appeal. If you have missed the time deadline for commencing an appeal or for applying for permission to appeal so that you also need to apply for an extension of time, a third fee, of £40, is also payable. If an application for permission to appeal or an application for permission to appeal out of time is refused, only the £50 filing fee is refunded.

The fee for applications for urgency directions, and any other application made during the course of the appeal, is £40 per application. If the appeal goes ahead other fees may be payable later in the case.

All Tribunal fees are payable by cheque made payable to "Tribunals Service".

In exceptional circumstances involving undue financial hardship, fees may be waived or reduced. You will need to complete a written application and provide information regarding your income and expenses. Please contact the Tribunal if you think you should be eligible for the remission or reduction of a fee.

6.11 Other parties

Unless it immediately dismisses the application to appeal as lacking merit, a copy of the application for permission to appeal together with any application for an extension of time will be sent to the other party to the RPT appeal (the housing authority or the owner) by the Lands Tribunal. That party usually has 14 days within which to make any written representations about the applications it wishes to make.

6.12 Review or rehearing

There are three ways in which an appeal may proceed. If the case is an appeal by way of review, no further evidence is heard and the Tribunal is asked to give a decision on whether at the earlier hearing the RPT correctly applied the law to the evidence.

If the case is an appeal by way of review with a view to rehearing, initially no further evidence is heard, but if the Tribunal is satisfied that the RPT incorrectly applied the law or that the earlier hearing contained serious procedural errors, a new hearing will held before the Tribunal.

If the case is an appeal by way of rehearing, the case is completely reheard, with each party calling all the evidence they rely upon to establish their case. The Tribunal may at its discretion allow the parties to present new evidence that was not given before the RPT.

If it grants permission to appeal the Tribunal will take into account whether you wish to have a review, review with a view to rehearing or a rehearing, but will make its own assessment of which type of appeal is most appropriate.

6.13 Determining an application for permission to appeal

There will not normally be a hearing. Instead the Lands Tribunal will usually decide an application on the papers. If the Tribunal does decide to hold a hearing, all parties will be invited to attend and speak.

- If the Lands Tribunal GRANTS **permission** to appeal the appeal will proceed.
- If the Lands Tribunal REFUSES **permission** to appeal no appeal will be heard and the matter is concluded.

6.14 Statement of case and reply

Provided permission is granted either by the RPT or by the Lands Tribunal, and the case proceeds as an appeal, the other party to the RPT hearing is invited to file a notice of intention to respond within 28 days (or less if an urgency direction has been given) if they wish to be a respondent party to the Lands Tribunal appeal. When filing a notice of appeal the appellant may apply to have their application to the RPT for permission to appeal stand as their statement of case. When making an application to the Lands Tribunal for permission to appeal the appellant may also apply to have that application stand as their statement of case, in the event that permission is given. Otherwise, within 28 days (or less if an urgency direction has been given) of receiving a notice of intention to respond, the appellant must send papers setting out their case (a statement of case) both to the Tribunal and directly to the other party. The appellant must also file with the Tribunal and serve upon the respondent a copy of every document they wish to rely upon at the hearing, if they have not already done so. The respondent, if one, must then send a statement (a reply) to the appellant and to the Tribunal setting out why they disagree with the appellant's case within 28 days (or less if an urgency direction has been given) of receiving the appellant's statement of case.

Unless an urgency direction has been given, the time limits for sending a statement of case or a reply may be extended by the Tribunal. A written application for an extension of time

must be made, for which the fee is £40. To shorten the time limit(s) an application for an urgency direction may be made, for which the fee is £40. Time limits may be set and changed by the Registrar on application as he or she considers appropriate. Fees are payable to the "Tribunals Service". The prior consent of the other party should be sought, the reasons for the application and the amount of extra time requested must be stated. A copy of the other party's consent should also be attached or else a copy of the application must be sent to the other party and the application must state that this was done.

6.15 Expert witness evidence and other documents

Where the appeal is by way of rehearing and the parties intend to call expert evidence at the hearing of the appeal, they will be required to file expert reports and supporting documents. Neither party may take their opponents by surprise at the hearing by withholding material until the last minute. The requirements are described at paragraph 9 below and the section on expert evidence in the Practice Directions should be consulted.

6.16 Preparing for the hearing

It is necessary to prepare and supply to the Tribunal and other party in advance of the hearing all witnesses' statements, documents, plans, valuations, reports, and legal precedents which are to be used or referred to during the hearing.

6.17 Costs

In general the Tribunal will order the costs of a successful appellant to be paid by the respondent, while an unsuccessful appellant will be ordered to pay the respondent's costs. This general rule will not apply where the conduct of the successful party has unnecessarily increased the costs incurred by the unsuccessful party.

7. OTHER JURISDICTIONS

7.1 Tax determinations

The Commissioners of Inland Revenue may determine the value of land in connection with **tax assessments**. In these circumstances appeal may lie to the Lands Tribunal against the determination. No fees are payable in such cases. Please contact the Tribunal if you wish to make such an appeal.

7.2 Rights of light

Where daylight passes across one piece of land to a window or other aperture in a building on another piece of land, the owner of the land with the building on it may eventually acquire a right to light, that is, a right to prevent the owner of the first land reducing the light to that aperture. The right does not arise if, before 20 years have elapsed, the passage of light has been restricted by a physical structure. The Rights of Light Act 1959 (the "Act) allows the passage of light to be interrupted by a notional structure. To prevent the acquisition of a right of light the notional structure must be registered in the local lands charges register before 19 years have elapsed, or else remain in place unchallenged by the owner of the building for a full year.

Under the Act, the role of the Lands Tribunal is to determine what steps are necessary for the landowner to inform those with a proprietary interest in the building about the proposed registration of a notional structure and then to issue a certificate enabling registration after adequate publicity has been given. The fee is £250 with an additional £50 if a temporary (emergency) certificate is requested.

A temporary certificate is granted only if the building is shortly to acquire rights to light It is important that the reasons for considering the case to be urgent are explained. Applicants must act promptly to comply with publicity/service directions when a temporary certificate is issued to ensure that they are able to obtain and register a definitive certificate before the temporary one expires.

Applications must be made by completing Forms 1 and A and filing 3 copies with the Tribunal together with the appropriate fee made payable to the "Tribunals Service". A mistake commonly made by parties is to outline both the servient and dominant land on the plans they submit to the Tribunal. So, to avoid delay please ensure that you outline, in red, the servient land (the land that belonging to the applicant) but outline, in blue, only the dominant *building* (the one with the windows or apertures that may acquire a right to light). Do not outline all of the dominant land.

Protecting a right to light

The Lands Tribunal receives many enquiries from people wishing to protect a right to light that they may have acquired. However the Act does not give the Lands Tribunal any role or power to safeguard rights to light. If you are served with a notice that a notional structure is to be erected (or if construction commences or is planned) that may interfere with a right to light that you have acquired you may take legal steps through the courts to protect your legal rights and you should promptly seek legal advice.

7.3 References by consent

The Tribunal has wide powers to act as an **arbitrator by consent** of the parties. Parties may enter into an agreement that, in the event of a dispute between them concerning the valuation of land, the matter is to be referred to the Lands Tribunal. The President of the Tribunal has discretion to accept cases on this basis, and the Tribunal deals with the case in the same way an arbitrator would. **Form R,** available from our website or office, should be completed and filed together with a copy of the agreement under which the reference is made and the £50 filing fee, payable to the "Tribunals Service".

7.4 Blight notice and objection

The owner of land they consider to have become unsaleable or to have had its value diminished by a proposed scheme (such as construction of a road), may (subject to certain restrictions) serve a blight notice on the authority that caused the blight obliging it to buy the land for full value. If however the authority believes that the land has not been blighted and serves a counter notice on the owner the dispute about the validity of the counter notice may be referred to the Lands Tribunal. **Form BNO** should be completed and the fee, payable to the "Tribunals Service" on filing the form, is £50.

7.5 Absent owners

When land of an owner who is absent, unknown or untraceable has been acquired under a compulsory purchase order the acquiring authority is obliged to pay compensation into court in case the owner appears later. The Lands Tribunal can determine the amount payable. **Form AO,** available on our website or from our office, should be completed and there is a fee of £100 plus valuation fees of £352.50 for London Boroughs and £293.75 for all other areas, payable to the "Tribunals Service".

8. URGENCY DIRECTIONS

8.1 Time limits for appeals from LVTs or RPTs may be shortened

For appeals from LVTs or RPTs an urgency direction may be issued to shorten the time limits that otherwise apply for: 1. giving notice to the Registrar of the Lands Tribunal of an intention to appeal when permission to appeal has been granted by the LVT or RPT; 2. filing and serving a notice of intention to respond; 3. filing and serving a statement of case; and 4. filing and serving a reply to a statement of case. An urgency direction may also permit the application to the LVT or RPT for permission to appeal to stand as notice to the Registrar of the Lands Tribunal of an intention to appeal.

8.2 Tribunal may act on its own initiative

An urgency direction may be made by the Tribunal acting on its own initiative or on application by a party. Where the Tribunal proposes an urgency direction, it will give notice in writing to the parties setting out the proposed direction or directions and will invite written representations on the proposal from the parties. The Tribunal will set a short time period within which any such representations are to be made.

8.3 Applying for an urgency direction

An application for an urgency direction must be made in writing setting out the title of the proceedings and the ground for the application. A copy of the application must be sent to the other parties to the case and the Tribunal informed that this has been done. If the consent of the other parties has been obtained, consents signed by them or their representative must accompany your application.

8.4 Written representations

In cases where the prior consent of the other parties has not been obtained, upon receipt of your application, the Tribunal will invite written representations on the application from the other parties to be given within a short time period. The Tribunal may not invite representations from the other parties if, having considered the grounds upon which the application is made, it decides to refuse the application.

8.5 Issuing an urgency direction

The Tribunal will reach a decision taking any written representations received into account. An urgency direction will not be made unless the Tribunal is satisfied that it is in the interests of justice to do so.

9. EXPERT WITNESSES AND REPORTS

9.1 Expert and other witnesses

An expert witness is a witness who provides a professional opinion to the Tribunal. Nothing compels parties to call expert witnesses in support of their cases. Doing so may however be the only or best way to establish the merits of a claim. The type of expert witness most commonly called is a surveyor or valuer. For some large or complex cases, architects, civil engineers or other experts are called. Only one expert witness may be called by a party unless they have applied for and been granted permission to call more. However, in business

disturbance or minerals valuation cases permission is only required to call more than two expert witnesses.

There is no limit on calling witnesses of fact, that is, witnesses who state what they know about factual matters but do not give professional opinions.

9.2 Reports and other documents

Each expert witness who is to give evidence to the Tribunal is required to file a report setting out that evidence, accompanied by whatever plans, valuations, lists of comparable properties and other supporting information and documents as may be appropriate. Copies of these documents must be sent to the Tribunal and the other party well in advance of the hearing. After the exchange of the experts' reports the Tribunal requires experts to meet in order to to identify the issues to be resolved, to reach agreement as to facts, to agree any relevant plans and photographs, and to settle as many issues as may be possible. The parties will normally need to prepare a statement showing the facts and issues on which the experts agree or disagree and a summary of their reasons for disagreeing.

9.3 Extensions of time

The witness statement and other documents must usually be sent to the other party and to the Tribunal within 28 days of the receipt of the reply to the statement of case. Time limits can be extended by the Tribunal by written application, for which the fee is £40, payable to the "Tribunals Service". The prior consent of the other party should be sought, the reasons for the application and the amount of extra time requested stated. A copy of the other party's consent should also be attached or else a copy of the application must be sent to the other party and the application must state that this was done.

10 HEARINGS

10.1 Venues

The Lands Tribunal hears most cases at its courts in London and holds hearings in other local courts if necessary. If the parties request a hearing to take place locally, the Tribunal will try to arrange suitable courtroom accommodation. It is usually possible to arrange hearings more quickly in London.

10.2 Length of hearing

Parties are required to tell the Tribunal how long the hearing is expected to take, whether several hours, one or more days. Parties should consult with each other about this and try to agree time estimates. If the time estimate is too short, there may have to be an inconvenient and possibly expensive adjournment part-way through the case until more available days can be found. On the other hand if parties over-estimate the time, the scheduling of hearings are delayed. It is in the interests of all litigants that the resources of parties and of the Tribunal not be wasted either by unnecessary adjournments or by over-estimates of the hearing time required.

10.3 Where lawyers are instructed

A party is not obliged to instruct lawyers, and individuals are always entitled to appear on their own behalf. However, when the law or facts are complex, lawyers are often instructed. If a barrister (counsel) is briefed, the Tribunal should be informed so that the barrister's clerk can be consulted directly by Tribunal staff about hearing arrangements.

10.4 Arranging a hearing date

When the preliminary requirements have been met and the documentation is in order, a hearing will be arranged. Tribunal staff will try to accommodate parties' preferences as far as possible when fixing a hearing date. The parties will be contacted in writing or on the telephone about this. The Tribunal will also attempt to accommodate parties who ask for an early hearing date.

10.5 Procedure at the hearing

Participants are advised to arrive a little before the appointed time on the day of the hearing so that they can make themselves known to the court clerk, familiarise themselves with the courtroom layout, meet their witnesses, get the documentation in order and perhaps discuss the case with their opponents.

When the hearing begins, the appellant, applicant or claimant party usually starts first by setting out their case, then calling evidence and presenting documents. Each witness gives evidence on oath or affirmation, and is liable to be asked questions by the Tribunal member and cross-examined by the other party. The other party then introduces its case and calls evidence. Each party has an opportunity to set out the legal arguments it relies on in support of its case.

Proceedings will be less formal if the simplified hearing procedure has been requested and agreed to by the Tribunal.

Wigs and gowns are not worn in Tribunal proceedings. Judges and surveyor members are addressed as "Sir" or "Madam".

11 DECISIONS and FINAL ORDERS

11.1 Site inspections and issue of decisions

When necessary the Tribunal will view the land in question and may also view other comparable sites and this may be before or after the hearing. Notice is given to the parties who are entitled to be represented at the inspection.

The Tribunal usually reserves its decision rather than giving a decision immediately at the end of the hearing. Decisions are given in writing and sent to the parties. The parties may be invited to make submissions to the Tribunal with regard to costs of the case either at the end of the hearing, or later in writing and an addendum to the decision will be issued when the issue of costs has also been decided.

11.2 Hearing fee

In addition to the filing or setting down fee, a fee is payable for the hearing of most cases. The fees are set out in the Fees Order and schedule which may be viewed online at our website. The level of the hearing fees range from flat fees of £200 (where there is no amount awarded), £350 (for a restrictive covenant case), to scale fees up to £5,000 in larger cases. Where several cases are heard together, a fee is payable for each case. All fees must be paid to the Tribunal immediately they are requested, and cheques must be made payable to "Tribunals Service".

11.3 Issue of the order

Following the issue of the reasoned decision, the Tribunal issues a brief formal order stating the effect of the decision. This may be used if, for example, further action has to be taken in the courts following the Tribunal decision, or in the recovery of costs. In restrictive covenant cases, the order will have a permanent effect on the title of the land, so it is particularly important for it to be accurately drawn and there is a fee of £100 for engrossing the minutes of order.

12. APPEAL TO COURT OF APPEAL

12.1 Application for permission to appeal

The Tribunal's decision on all matters of fact is final. There is a limited right of appeal to the Court of Appeal on a point or points of law and permission is required. It must be sought in writing first from the Lands Tribunal within 28 days after the date that the decision of the Tribunal has taken effect and was sent to the parties.

The Tribunal may review its own decision in two circumstances as explained in the Practice Directions. If the Tribunal decides not to review the decision or upon reviewing it decides not to vary it, it will consider whether to grant permission to appeal the whole or part of a decision. If permission is refused in whole or in part the Tribunal will send a decision to the parties setting out the reasons for its refusal. An applicant may then apply in writing to the Court of Appeal for permission to appeal but must do so within 28 days of the date that the Tribunal's decision to refuse permission in whole or in part was sent to the parties.

13. ORDERS FOR COSTS

13.1 Detailed assessment of costs

Where one party has been ordered to pay the costs of another party, and they are unable to agree the amount, the costs claimed may be drawn up into what is known as "a bill of costs" and the Registrar of the Tribunal asked to carry out a detailed assessment of the costs, formerly referred to as a "taxation of costs". The other party will file "points of dispute" explaining which items they challenge and why. The Registrar will consider the bill of costs and points of dispute item by item and decide whether to allow or disallow the items that have been challenged. The Tribunal's fee for this service is 5p for every pound of the total bill as assessed.

14. STANDARDS AND COMPLAINTS

14.1 Standards

The Tribunal has certain standards of service and performance which it is committed to reaching. We aim to:

- respond to requests for forms within 2 working days
- register new cases within 5 working days (if all necessary documents and fees are sent with the case)
- offer parties hearing dates within 10 weeks of readiness
- notify parties of hearing dates within 5 working days of fixing the date
- issue decisions within 4 weeks of the hearing
- complete 75% of cases within 50 weeks

14.2 Comments and complaints

If you have any comments or complaints about the service you have received from the Lands Tribunal contact the Tribunal Manager:

Ms Laura Farr
43 – 45 Bedford Square
London
WC1B 3AS
Tel: 020 612 9710
Fax: 020 612 9723
Email: lands@tribunals.gsi.gov.uk

If upon receiving a response from the Tribunal Manager you wish to take the matter further contact the Tribunal Service's Area Manager for Central London:

Mr Mike Watson
Tribunals Service
Fox Court, 5th Floor
14 Grays Inn Road
London WC1X 8HN

PLEASE NOTE: Neither the Tribunal Manager nor the Area Manager can deal with complaints about judicial decisions. If you are dissatisfied with the **final decision** made after the hearing of your case, your only recourse is to appeal to the Court of Appeal on a point of law (see paragraph 12.1 above).

15. OBTAINING LEGAL ADVICE AND FINDING A SOLICITOR

For assistance in finding a solicitor with expertise in the aspect of land law relevant to your matter contact the Law Society of England and Wales. Their website address is: www.lawsociety.org.uk and their general enquiries telephone number is 020 7242 1222. The Law Society does not provide legal advice to members of the public but does provides guides on common legal problems written in plain English, including one on using a solicitor. The guides are available on their website and may be requested in hard copy from the Law Society by calling 0191 428 7439.

The Community Legal Service Direct website also provides a means of finding a local legal adviser or solicitor. Their website address is: www.clsdirect.org and their telephone number is: Tel: 0845 345 4345. Community Legal Service Direct provides free legal information leaflets and factsheets. On their website you may access the leaflets, search for legal information from a selection of the best advice websites in the UK, or search for details of a local legal adviser or solicitor.

To obtain free legal information, advice or assistance you may wish to contact the Citizens' Advice Bureaux. Their website www.adviceguide.org.uk contains information sheets and also has a search facility to assist you in finding your local office. If you are not

able to access the internet you may find details on your local Citizens' Advice Bureau from your local library.

16. GLOSSARY OF TERMS

Acquiring Authority: a local council, government department, or other organisation against whom a claim for compensation has been made in respect of the compulsory acquisition of land by that authority

Act: law in the form of an Act of Parliament, which is a statute passed by both Houses of Parliament and ratified by Royal Assent

Advocate: a person who represents a party in a hearing before the Tribunal. This may be a barrister, also known as counsel, or a solicitor, with the permission of the Tribunal a party may be represented by a lay representative (someone without legal qualifications) or their expert witness, often a chartered surveyor

Appellant: a person who appeals, either by having a right of appeal, or by being granted permission to appeal

Applicant: either (1) a person who is applying for permission to appeal or for a certificate under the Rights of Light Act 1959; or (2) a person who makes an interlocutory application; or (3) a person applying to the Tribunal to remove or modify a restrictive covenant

Claimant: a person making a claim in a notice of reference, usually for monetary compensation against an authority, following the exercise of statutory powers by that authority

Compensating authority: a local council, government department or other organisation against whom a claim for compensation has been made for reasons other than the compulsory acquisition of land

Counsel: a barrister

Court of Appeal: the civil division of the Court of Appeal, which hears appeals on points of law from judicial decisions of the Tribunal if permission to appeal has been granted

Determination: the final disposal of a case by the Tribunal's decision

Disclosure of documents (also known as Discovery)**:** exchange of written evidence and relevant information held by each party relating to the case

HMO: House in Multiple Occupation, as defined under the Housing Act 2004

Interlocutory application: an application made by a party in the course of proceedings pending, or ancillary to, the final determination of the case

Jurisdiction: the area of matters over which a court or tribunal has legal authority

Legal precedents: previous judicial decisions which have been reported and which lay down principles of law relevant to similar points arising in later cases

Legislation: primary legislation such as an Act of Parliament and secondary or delegated legislation, law issue under the authority of an Act of Parliament such as statutory instruments (also known as regulations and orders)

Litigant: any party in legal proceedings

Member: a judicial office holder appointed to hear Lands Tribunal cases

Objector: a person who files a notice of objection to an application for the modification or discharge of a restrictive covenant

Originating applicant: a person who makes an application to the Tribunal for the modification or discharge of a restrictive covenant (often simply referred to as the applicant)

Preliminary issue: an issue ordered to be heard by the Tribunal in advance of the main issue because it is considered to have a material bearing on the outcome of the case

Pre-trial review (or **pre-hearing review**)**:** a preliminary hearing in which the parties appear before the Tribunal or Registrar, for the purpose of being given orders or directions for the preparation of the case

Registrar: a legally-qualified officer of the Tribunal exercising powers and functions of an interlocutory or ancillary nature

Remission (of a fee): the waiver or reduction to an obligation to pay a fee because of financial hardship

Reply: a respondent's or acquiring or compensating authority's statement of case submitted under the Tribunal Rules in response to a claimant's or an appellant's statement of case

Respondent: a person files a notice of intention to respond to an appeal. In the case of appeals from LVTs or RPTs the person must have been present or represented at the hearing before the LVT or RPT or, if the proceedings were decided without a hearing, a person who make representations in writing to the LVT or RPT

Statement of case: a statement submitted under the Tribunal Rules setting out the basis of an appellant's or claimant's case

Stay of proceedings: an order made by the Tribunal in a case suspending all processes and the operation of the Tribunal Rules in that case for a specified period of time

Statute: an Act of Parliament

Statutory instrument: law in the form of regulations and orders, also known as secondary or delegated legislation. Statutory instruments are made under an Act of Parliament by delegated authority (usually by a government minister) and give detailed effect to the provisions of Acts

Statutory powers: legal powers derived from legislation.