



THE LANDS TRIBUNAL UPPER TRIBUNAL (LANDS CHAMBER)

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Lands Tribunal Rules 1996 (SI 1996 No.1022)

(as amended by the Lands Tribunal (Amendment) Rules 1997 (SI 1997 No. 1965); the Lands Tribunal (Amendment) Rules 1998 (SI 1998 No. 22); the Lands Tribunal (Amendment) Rules 2003 (SI 2003 No. 2945); the Lands Tribunal (Amendment) Rules 2006 (SI 2006 No. 880); and the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (SI 2009 No. 1307)).

Note: Part IIA and Rule 26A were inserted and Rules 6(1) and (4), 26 and 32 were substituted by the Lands Tribunal (Amendment) Rules 1997, which also contained minor amendments to Rules 6(6)(a), 46(2) and 50(5). Rules 29A and 32(d) were inserted by the Lands Tribunal (Amendment) Rules 1998. Part IIA and rules 28(11) and 52(1) were amended by the Lands Tribunal (Amendment) Rules 2003. Part IIA was further amended and rules 6, 7 and 8 were amended and rule 35A was substituted by the Lands Tribunal (Amendment) Rules 2006. Rules 1(2), 2A, 6(1ZA), 10(6), (7) and (8) and Part 8A were inserted by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, the Transfer Order. Rules 3, 29(A), 30(2), 38(11), 52(1) and 54(4) were omitted and changes were made to Rule 5 by the Transfer Order which also made minor amendments to many other rules so that they refer to the Upper Tribunal rather than the Lands Tribunal and to the Tribunal rather than to the President or Member.

1 June 2009

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PART I

Preliminary

1. Citation and commencement

(1) These Rules may be cited as the Lands Tribunal Rules 1996 and shall come into force on 1st May 1996.

(2) These Rules apply to proceedings which have been assigned to the Lands Chamber by the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008.^(a)

2. Interpretation

(1) In these Rules–

“the Act” means the Lands Tribunal Act 1949;

“the 1961 Act” means the Land Compensation Act 1961;

“appeal” except in Part 9^(b) means an appeal against a determination of any question by an authority in respect of whose decision an appeal lies to the Tribunal;

“authority” means the person or body in respect of whose decision an appeal is brought;

“compulsory purchase compensation reference” means a reference of a question to the Tribunal–

(a) under section 1 of the 1961 Act;

(b) under section 11(4) of the Compulsory Purchase (Vesting Declarations) Act 1981^(c); or

(c) to which the provisions of section 4 of the 1961 Act apply, with the exception of references–

(i) under section 16(7) of the City of London (Various Powers) Act 1967^(d);

(ii) under section 307(1) of the Highways Act 1986^(e); and

(iii) under regulation 96(2) of the Conservation (Natural Habitats, &c) Regulations 1994^(f).

“party” in relation to an appeal, means the appellant, the authority and any person who has served notice of intention to respond in accordance with rule 7;

“proceedings” means proceedings before the Tribunal;

“rating appeal” means an appeal from the decision of a valuation tribunal in relation to non-domestic rating;

“the registrar” means the registrar of the Tribunal or, as respects any powers or functions of the registrar, a member of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007^(g) (tribunal staff and services) and authorised by the Senior President of Tribunals;

“the Tribunal” means the Upper Tribunal;

“valuation officer” means a valuation officer appointed under section 61 of the Local Government Finance Act 1988 or any officer authorised by him in writing to act on his behalf.

(a) S.I. 2008/2684 as amended by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2009 (S.I. 2009/196) and the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No. 2) Order 2009 (S.I. 2009/No.1021)

(b) See endnotes

(c) 1981 c.66

(d) 1967 c.42

(e) 1980 c.66

(f) SI 1994/2716

(g) 2007 c.15

- (2) In these Rules, a form referred to by number alone means the form so numbered in Schedule 1 to these Rules.

2A. Delegation to staff

- (1) Staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 (tribunal staff and services) may, with the approval of the Senior President of Tribunals, carry out functions of a judicial nature permitted or required to be done by the Tribunal.
- (2) The approval referred to at paragraph (1) may apply generally to the carrying out of specified functions by members of staff of a specified description in specified circumstances.
- (3) Within 14 days after the date on which the Tribunal sends notice of a decision made by a member of staff under paragraph (1) to a party, that party may apply in writing to the Tribunal for that decision to be considered afresh by a judge.

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PART II

Composition and hearings of the Tribunal

4. Notice of hearings and sittings of the Tribunal

- (1) The registrar shall, as soon as practicable after the commencement of proceedings before the Tribunal, send to each party a notice informing him of the date, time and place of the hearing.
- (2) Upon receipt of a notice of intention to respond 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 date, time and place of the hearing.

5. Public and private hearings

- (1) Subject to paragraph (1A) all hearings by the Tribunal shall be in public except where—
- (a) it is acting as an arbitrator under a reference by consent under section 1(5) of the Act: or
- (b) it is satisfied that, by reason of disclosure of confidential matters or matters concerning national security, it is just and reasonable for the hearing or any part of the hearing to be in private.
- (1A) Any hearing in proceedings on a compulsory purchase compensation reference shall be in public.
- (2) A judge or other member of the Tribunal shall be entitled to attend a hearing whether or not it is in private, notwithstanding that they do not constitute the Tribunal for the purpose of the hearing

- (3) The Tribunal, with the consent of the parties, may permit any other person to attend hearing which is held in private.

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PART IIA

Applications for permission to appeal

5A. Application of Part IIA

Part IIA applies to an application to the Tribunal for permission to appeal–

- (a) under section 175 of the Commonhold and Leasehold Reform Act 2002, against a decision of the Leasehold Valuation Tribunal; or
- (b) under section 231 of the Housing Act 2004, against a decision of the residential property tribunal.

5B. Interpretation

(A) In this Part “first instance tribunal” means–

- (a) in relation to an appeal under section 175 of the Commonhold and Leasehold Reform Act 2002, the Leasehold Valuation Tribunal; and
- (b) in relation to an appeal under section 231 of the Housing Act 2004, the residential property tribunal.

(1) A respondent to an application for permission to appeal is any party in the proceedings before the first instance tribunal, other than the applicant, who was present or represented at the hearing before the first instance tribunal or, where the proceedings were determined without a hearing, made representations in writing to that tribunal.

(2) A respondent to an application for permission to appeal shall not be a respondent to any subsequent appeal unless he gives notice of intention to respond to the appeal in accordance with rule 7.

5C. Application for permission to appeal

(1) A person (‘the applicant’) may only apply to the Tribunal for permission to appeal if he has made an application to the first instance tribunal for such permission and that application has been refused.

(2) An application for permission must be made to the Tribunal within 14 days of the date on which the decision of the first instance tribunal to refuse permission to appeal was sent to the applicant.

(3) The application for permission shall contain–

- (a) the name and address of the applicant;
- (b) the name and address of every respondent;

- (c) the grounds of appeal against the decision in respect of which permission to appeal is sought;
 - (d) where the applicant is represented, the name, address and profession of the representative; and
 - (e) the signature of the applicant or his representative and the date the application was signed.
- (4) The application for permission shall be accompanied by–
- (a) a copy of the decision against which permission to appeal is being sought;
 - (b) a copy of the decision of the first instance tribunal refusing leave to appeal;
 - (c) the fee payable to the Tribunal in respect of the proposed appeal.
- (5) The applicant shall deliver or send the application for permission to appeal to the Tribunal together with sufficient copies for service upon each respondent.
- (6) Upon receiving an application for permission to appeal the registrar shall–
- (a) serve a copy of the application on each respondent;
 - (b) inform the applicant of the date on which this was done; and
 - (c) enter details of the application in the register of appeals.
- (7) The registrar shall, when serving a copy of the application, notify each respondent of the time limit specified by the Tribunal, within which any written representations relating to the application must be made to the Tribunal.

5D. Determination of application

- (1) The Tribunal shall determine an application for permission without a hearing unless it considers that there are special circumstances which make a hearing necessary or desirable.
- (2) The registrar shall serve on the applicant and each respondent a notice recording the decision of the Tribunal on the application for permission.

5E. Refusal of permission to appeal

If the Tribunal refuses permission to appeal the registrar shall refund to the applicant the fee paid in respect of the appeal.

5F. Permission to appeal

- (1) If the Tribunal grants permission to appeal it may do so on such conditions as it thinks fit.

(2) The registrar shall note in the register of appeals that the appeal is proceeding unless the applicant notifies him, within 14 days of the date of service of the notice recording the decision to grant permission, that he does not wish to proceed with the appeal.

(3) The registrar shall serve notice on each respondent that the appeal is proceeding with details of the number of the appeal entered on the register which shall constitute the title of the appeal.

5G. Application of Part III (Appeals)

Where an appeal proceeds following the grant of permission to appeal under this Part

- (a) rule 6 shall not apply to the appeal, and
- (b) rule 7 shall apply as if the reference to the notice of appeal was a reference to the notice that the appeal is proceeding referred to in rule 5F(3).

5H. Application of Part VIII (General Procedure)

In Part VIII, reference to an appeal shall include reference to an application for permission to appeal under this Part.

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PART III Appeals

6. Notice of appeal

(1) An appeal to the Tribunal shall be made by sending to the registrar a written notice indicating an intention to appeal so that it is received by the registrar—

- (a) within 28 days of the date on which the decision appealed against ('the disputed decision') was sent to the applicant, or within such other time as is prescribed by the enactment conferring the right to appeal, or
- (b) subject to paragraph (1B), where the appeal is made following the grant of permission to appeal, within 28 days of the date on which the decision granting permission to appeal was sent to the applicant.

(1ZA) In an appeal under regulation 37(1) of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005^(a) or regulation 37(1) of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005^(b), for the purposes of paragraph (1) of this rule the date on which the disputed decision was sent includes—

- (i) if an application for the disputed decision to be reviewed was made within the time specified in regulation 35(3) of either Regulations, the date on which notice of a decision not to undertake a review was served; or
- (ii) the date on which notice was served of a decision not to set aside the disputed decision on a review under regulation 35(1) of either Regulations

(a) SI 2005/659
(b) SI 2005/758

- (1A) Paragraph (1B) applies to—
- (a) an appeal under section 175 of the Commonhold and Leasehold Reform Act 2002 against a decision of the Leasehold Valuation Tribunal; or
 - (b) an appeal under section 231 of the Housing Act 2004 against a decision of the residential property tribunal.
- (1B) Subject to rule 35A, if it is satisfied that it is in the interests of justice to do, the Tribunal may direct—
- (a) that a shorter period be substituted for the period of 28 days in paragraph (1)(b); or
 - (b) that the application to the first instance tribunal for permission to appeal shall stand as notice under paragraph (1).
- (2) Where the notice referred to in paragraph (1) does not conform with the requirements set out in paragraph (3), the appellant shall, within such time as the registrar may direct, send to the registrar a notice which does so conform.
- (3) The notice of appeal shall state that it is a notice of appeal and shall contain—
- (a) the name and address of the appellant;
 - (b) the date and any reference number of the disputed decision and the name and address of the Authority;
 - (c) the grounds of appeal;
 - (d) where the appellant is represented, the name, address and profession of the representative; and
 - (e) the signature of the appellant or his representative and the date the notice was signed.
- (4) The appellant shall attach to the notice of appeal—
- (a) a copy of the disputed decision; and
 - (b) where the appeal is made following grant of permission to appeal by the authority, a copy of the decision granting permission to appeal; and
 - (c) where the appeal relates to a rating appeal, a copy of the proposal or determination that was the subject of the proceedings which led to the disputed decision.
- (5) The appellant shall deliver or send the notice of appeal to the Tribunal together with sufficient copies for service upon each of the parties to the proceedings which led to the disputed decision and upon the authority, and where appropriate, the valuation officer.
- (6) Upon receiving a notice of appeal the registrar shall—
- (a) enter particulars of the appeal in the register of appeals;

- (b) serve a copy of the notice on the parties to the proceedings which led to the disputed decision other than the appellant, on the authority and, where applicable, on the valuation officer and inform the appellant of the date on which this was done; and
- (c) inform the appellant and all persons on whom a copy of the notice of appeal is served of the number of the appeal entered on the Register which shall constitute the title of the appeal.

7. Notice of intention to respond

(1) If a person on whom a copy of the notice of appeal is served intends to respond he shall give written notice of his intention, signed and dated, stating—

- (a) whether he intends to respond separately or jointly with some other person;
- (b) the grounds on which he opposes the appeal; and
- (c) an address for service of notices and other documents on him.

(2) Subject to paragraph (2B), the notice of intention to respond shall be served on the registrar and the appellant within 28 days of the date of service of the copy of the notice of appeal.

(2A) Paragraph (2B) applies to –

- (a) an appeal under section 175 of the Commonhold and Leasehold Reform Act 2002 against a decision of the Leasehold Valuation Tribunal; or
- (c) an appeal under section 231 of the Housing Act 2004 against a decision of the residential property tribunal.

(2B) Subject to rule 35A, if it is satisfied that it is in the interests of justice to do so, the Tribunal may direct that a shorter period be substituted for the period of 28 days in paragraph (2).

(3) Where the registrar receives more than one notice of intention to respond, he shall serve a copy of each such notice on all parties other than the appellant.

8. Statement of case

(1) A person giving notice of intention to respond is, in this rule, called a “respondent”.

(2) Subject to paragraph (4B), within 28 days of service of a notice of intention to respond, the appellant shall serve on the respondent from whom it is received, a statement of his case, including full particulars of the facts relied upon and any points of law on which he intends to rely at the hearing.

(3) Subject to paragraph (4B), within 28 days of service of the appellant's statement, a respondent shall serve on the appellant a reply stating his case including full particulars of the facts relied upon and any points of law on which he intends to rely at the hearing.

(4) Subject to paragraph (4B), where a party receives from the registrar a copy of a notice of intention to respond from another party in accordance with rule 7(3), he shall, within 28 days of service of such notice on him, send to that other party a copy of the reply referred to in paragraph (3).

(4A) Paragraph (4B) applies to—

- (a) an appeal under section 175 of the Commonhold and Leasehold Reform Act 2002 against a decision of the Leasehold Valuation Tribunal; or
- (b) an appeal under section 231 of the Housing Act 2004 against a decision of the residential property tribunal.

(4B) Subject to rule 35A, if it is satisfied that it is in the interest of justice to do so, the Tribunal may direct that a shorter period be substituted for the period of 28 days in paragraph (2), (3) or (4).

(5) Where a party serves a statement or reply in accordance with paragraphs (2) or (3), he shall at the same time send a copy to the registrar with confirmation that the statement or reply has been served in accordance with this rule.

(6) A statement or reply served in accordance with this rule shall be accompanied by—

- (a) every valuation which the party proposes to put in evidence (which shall include all particulars and computations in support of the valuation), or a statement of the value or values which the parties have agreed, and
- (b) either—
 - (i) full particulars of any comparable properties and transactions to which the party intends to refer at the hearing in support of his case and a statement of the purpose for which the comparison is made; or
 - (ii) a statement that no comparable properties or transactions will be referred to.

(7) If at the hearing of an appeal a party seeks to rely upon any valuation or other document which appears to the Tribunal not to have been served in accordance with this rule, it may adjourn the hearing on such terms as to costs or otherwise as it thinks fit.

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PART IV References

9. Application of Part IV

Part IV applies to any reference to the Tribunal other than an appeal, or an application to which Part V or VI applies.

10. Notice of reference

- (1) A reference shall be made by sending to the registrar a notice of reference together with sufficient copies for service upon every other person named in the notice.
- (2) The parties to the proceedings shall be the person lodging the notice of reference and the persons named in that notice.
- (3) The notice of reference shall contain—
 - (a) the name and address of the person lodging the reference and, if he is represented, the name, address and profession of the representative;
 - (b) the name and address of every other person with an interest in the land to which the reference relates (“the land”);
 - (c) the address or description of the land;
 - (d) the nature of the interest in the land of the person lodging the reference;
 - (e) the statutory provision under which the reference is made; and
 - (f) the signature of the person lodging the reference or his representative and the date the reference was signed.
- (4) The person lodging the notice of reference shall attach to it—
 - (a) where the matter relates to compensation payable on the compulsory acquisition of land—
 - (i) a copy of the notice to treat if one has been served;
 - (ii) a copy of the notice of entry if one has been served; and
 - (iii) any notice of claim and amendments of it delivered to the acquiring authority in pursuance of section 4 of the 1961 Act; and
 - (b) in any other case, a copy of the order or other document in consequence of which proceedings for the determination of the reference are instituted including a copy of any agreement conferring Jurisdiction on the Tribunal.
- (5) A notice of reference in relation to the compensation payable on the compulsory acquisition of land shall not be given before the expiration of 28 days from the date of service or constructive service of the notice to treat, or where no such notice is served or deemed in accordance with the appropriate statutory provision to be served, of the notice of claim.
- (6) In a reference under section 153(1) of the Town and Country Planning Act 1990^(a), the notice of reference must be given to the Tribunal within two months of the date of service of the counter-notice.
- (7) In a reference under regulation 7(1) or 12(3) of the Town and Country Planning (Compensation and Certificates) Regulations 1974^(b), the notice of reference must be given

(a) 1990 c.8
(b) SI 1974/1242

to the Tribunal within 30 days of the issue of notice of the decision or findings to which the dispute relates.

(8) In a reference under regulation 15(1) of the Town and Country Planning (Compensation and Certificates) Regulations 1974–

- (a) the notice of reference must be given to the Tribunal within 30 days of the Secretary of State’s determination; and
- (b) the notice of reference must specify whether the objection is on ground (a) or ground (b) as set out in regulation 14(4) of those Regulations.

11. Entry of reference

(1) Upon receipt of a notice of reference, the registrar shall enter particulars of it in the Register of References and shall send a copy of the notice to every party to the, proceedings other than the applicant.

(2) The registrar shall inform all parties to the proceedings of the number of the reference which shall constitute the title of the proceedings.

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PART V

Applications under section 84 of the Law of Property Act 1925 (Relief from restrictive covenants affecting land)

12. Interpretation

In this Part–

“section 84” means section 84 of the Law of Property Act 1925; and
“restriction” means a restriction, arising under a covenant or otherwise, as to the user of or building on any freehold land or any leasehold land held for a term of more than 40 years of which at least 25 years have expired.

13. Method of making application

(1) A person interested in land affected by a restriction who wishes to make an application under the section shall send to the registrar in duplicate an application which shall contain–

- (a) the name and address of the person making the application and, if he is represented, the name, address and profession of the representative;
- (b) the address or description of the land to which the application relates;
- (c) the address or description of the land which is subject to the restriction;
- (d) the address or description of the land which, and the identity of any person (if known) who, has the benefit of the restriction or any person whom the applicant believes may have such benefit and the reasons for that belief;
- (e) the ground or grounds in section 84 on which the applicant relies and the reason he considers that that ground or those grounds apply;
- (f) a statement as to whether the applicant is applying to discharge the restriction wholly or for its modification, and if the latter the extent of the modification;
- (g) a statement as to whether any planning permission has been applied for, granted or refused within the five years preceding the application in respect of the land the subject of the application;
- (h) the signature of the person making the application or his representative and the date of the signature.

(2) The application referred to in paragraph (1) shall be accompanied by–

- (a) a copy of the instrument imposing the restriction or, if this is not available, documentary evidence of the restriction; and
- (b) a plan identifying the land to which the application relates and, so far as practicable, all the land which is subject to the restriction and the land which has the benefit of the restriction.

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

14. Publication of notices

(1) Upon receipt of an application, the registrar shall determine what notices are to be given, and whether these should be given by advertisement or otherwise, to persons who appear to be entitled to the benefit of the restriction.

(2) For the purpose of paragraph (1), the registrar may require the applicant to provide any documents or information which it is within his power to provide.

(3) The notices shall require persons claiming to be entitled to the benefit of the restriction, who object to the discharge or modification of it proposed by the application, or who claim compensation for such modification or discharge, to send to the registrar and to the applicant notice of any objections they may have and of the amount of compensation they claim (if any).

(4) The notices to be given under paragraph (1) shall be given by the applicant who shall certify in writing to the registrar that directions as to the giving of those notices have been complied with.

15. Notice of objection

(1) A notice of objection to the application and a claim for compensation shall be in writing and shall be sent to the registrar and the applicant within 28 days from the publication of the notices referred to in rule 14.

(2) If the registrar requires, the person objecting shall submit a statement containing—

- (a) his name and address and if he is represented the name, address and profession of the representative;
- (b) the basis upon which he claims to be entitled to the benefit of the restriction;
- (c) any ground of objection; and
- (d) his signature or that of his representative and the date the statement was signed.

16. Suspension of proceedings

At any time after the registrar has received a notice of objection to the application the Tribunal—

- (a) of its own motion may, or
- (b) on the application of the applicant or of any person who has given a notice of objection, shall,

suspend the proceedings for such time as it may consider appropriate to enable an application to be made to the High Court for the determination of a question arising under subsection (2) of section 84.

17. Order without hearing etc

(1) If it appears to the Tribunal that, having regard to the applicant's interest in the land, the applicant is not a proper person to make the application, the Tribunal may dismiss it and shall inform the applicant of its reasons for doing so.

(2) Where—

- (a) the registrar receives no notice of objection within the time allowed by rule 15(1), or
- (b) all objectors have withdrawn their objections before a hearing has taken place,

the Tribunal may, with the consent of the applicant, determine the application without a hearing.

(3) Where at or after a hearing—

- (a) all objectors withdraw their objections, or
- (b) the Tribunal directs that no objector shall be admitted to oppose the application,

the Tribunal may, with the consent of the applicant, determine the application without any further hearing.

18. Power to direct additional notices

If it appears to the Tribunal at any time before the determination of the application that any person who has not received notice of the application otherwise than by advertisement should have received specific notice, the Tribunal may require the applicant to give notice to that person and may adjourn the hearing to enable that person to make an objection or a claim for compensation.

19. Enquiries of local authorities

If before or at the hearing of an application the Tribunal considers that enquiries should be made at any local authority within whose area the land affected by the restriction is situated, the Tribunal may direct those enquiries to be made and may adjourn the case until the local authority has replied.

20. Provisions as to orders

(1) Where the Tribunal orders the discharge or modification of a restriction subject to the payment of compensation the discharge or modification shall not take effect until the registrar has endorsed on the order that the compensation has been paid.

(2) The Tribunal may direct that the compensation be paid within a specified time failing which the order shall cease to have effect.

(3) The Tribunal may determine that any compensation awarded shall be paid into the Court Funds Office of the Supreme Court.

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PART VI

Applications under section 2 of the Rights of Light Act 1959

21. Form of application

(1) An application for a certificate of the Tribunal under section 2 of the Rights of Light Act 1959 shall be in Form 1.

(2) An application under paragraph (1) 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.

22. Publicity

(1) Upon receipt of an application the registrar shall determine what notices are to be given, whether by advertisement or otherwise, to persons who appear to have an interest in the dominant buildings referred to in rule 21(2).

(2) For the purpose of paragraph (1), the registrar shall require the applicant to provide any documents or information which it is within his power to provide.

(3) The notices that the registrar determines shall be given under this rule shall be given by the applicant who shall notify the registrar in writing once this has been done setting out full particulars of the steps he has taken.

23. Issue of temporary certificate

(1) Where the Tribunal is satisfied that exceptional urgency requires the immediate registration of a temporary notice in the register of local land charges, it shall issue a temporary certificate in Form 2.

- (2) A temporary certificate shall not last longer than six months.

24. Issue of definitive certificates

The Tribunal shall issue a certificate in Form 3 or, where a temporary certificate has been issued under rule 23, in Form 4, once it is satisfied that the notices which the registrar has determined shall be given under rule 22 have been duly given.

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PART VII

References by consent

25. Application of Part VII

This Part applies to proceedings before the Tribunal where it is acting as arbitrator under a reference by consent under section 1(5) of the Act.

26. Application of Arbitration Act 1996

Unless otherwise agreed by the parties, the following provisions of the Arbitration Act 1996 shall apply to proceedings under this Part, in addition to those set out in rule 32–

- (a) section 8 (whether agreement discharged by death of a party);
- (b) section 9 (stay of legal proceedings);
- (c) section 10 (reference of interpleader issue to arbitration);
- (d) section 12 (power of court to extend time for beginning arbitral proceedings, etc.);
- (e) section 23 (revocation of arbitrator's authority);
- (f) section 57 (correction of award or additional award) in so far as it relates to costs and so that the reference to 'award' shall include a reference to any decision of the Tribunal;
- (g) section 60 (agreement to pay costs in any event).

- 26A.** The person referring the matter to the Tribunal shall, at the time the reference is made, supply the Tribunal with copies of the arbitration agreement and any other written agreement relevant to the manner of arbitration.

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PART VIII
General Procedure

27. Determination of proceedings without a hearing

- (1) The Tribunal may, with the consent of the parties to the proceedings, order that the proceedings be determined without an oral hearing.
- (2) Where the Tribunal makes an order under paragraph (1), any party to the proceedings may submit written representations to the Tribunal.
- (3) On or after making an order under paragraph (1), the Tribunal shall give such directions relating to the lodging of documents and representations as it considers appropriate.
- (4) Rule 42 shall apply to proceedings to which this rule applies as if references to the calling of witnesses and the hearing of evidence in that rule were references to representations.
- (5) The Tribunal may at any time, on the application of a party to the proceedings or of its own motion, order that the proceedings should be heard and in that event may give directions for the disposal of the proceedings in accordance with these Rules.

28. Simplified procedure

- (1) The Tribunal or the registrar may, with the consent of the applicant or appellant or, in relation to proceedings under Part IV, the consent of the person who is claiming compensation, direct that proceedings shall be determined in accordance with this rule.
- (2) The registrar shall send a copy of any direction made under paragraph (1) on all the parties to the proceedings and any party who objects to the direction may, within 7 days of service of the copy on him, send written notice of his objection to the registrar.
- (3) Rule 38(6) to (9) and (11) shall apply as appropriate where an objection is received by the registrar under paragraph (2).
- (4) Paragraphs (5) to (12) shall apply to proceedings in respect of which the registrar has made a direction under paragraph (1).
- (5) Where the proceedings relate to an appeal under Part III, rule 8 shall not apply.
- (6) The registrar shall—
 - (a) give directions concerning the filing and contents of a statement of claim by the applicant or appellant and a reply by the other parties to the proceedings; and
 - (b) give the parties not less than 21 days notice of the day fixed for the hearing of the proceedings.
- (7) The following directions shall take effect—

- (a) each party shall, not less than 14 days before the date fixed for the hearing, send to every other party copies of all documents in his possession on which he intends to rely at the hearing; and
 - (b) each party shall not less than 7 days before the date fixed for the hearing send to the registrar and to every other party a copy of any expert report on which he intends to rely at the hearing and a list of the witnesses whom he intends to call at the hearing.
- (8) The registrar may from time to time, whether on application or of his own motion, amend or add to any direction issued if he thinks it necessary to do so in the circumstances of the case.
- (9) The hearing shall be informal and the Tribunal shall act as if it were an arbitrator and shall adopt any procedure that it considers to be fair.
- (10) Strict rules of evidence shall not apply to the hearing and evidence shall not be taken on oath unless the Tribunal orders otherwise.
- (11) No award shall be made in relation to the costs of the proceedings except in cases to which section 4 of the 1961 Act or subsections (6) and (7) of section 175 of the Commonhold and Leasehold Reform Act 2002 apply, save that the Tribunal may make an award of costs–
- (a) in cases where an offer of settlement has been made by a party and the Tribunal considers it appropriate to have regard to the fact that such an offer has been made; or
 - (b) in cases in which the Tribunal regards the circumstances as exceptional,
- and if, exceptionally, an award of costs is made the amount shall not exceed that which would be allowed if the proceedings had been heard in a county court.
- (12) The Tribunal may at any time, on the application of a party to the proceedings or of its own motion, order that this rule shall no longer apply to the proceedings and in that event may give directions for the disposal of the proceedings in accordance with these Rules.

29. Site inspections

- (1) Subject to paragraph (2), the Tribunal may enter and inspect–
- (a) the land or property which is the subject of proceedings, and
 - (b) as far as is practicable, any comparable land or property to which the attention of the Tribunal is drawn.
- (2) When the Tribunal intends to enter any premises in accordance with paragraph (1) it shall give notice to the parties who shall be entitled to be represented at the inspection; where the Tribunal deems it appropriate, such representation shall be limited to one person to represent those parties having the same interest in the proceedings.

29(A) -----

30. Consolidation of proceedings

(1) Where two or more notices of appeal, references or applications have been made which—

- (a) are in respect of the same land or buildings; or
- (b) relate to different interests in the same land or buildings; or
- (c) raise the same issues

the Tribunal may, on its own motion or on the application of a party to the proceedings, order that the appeals, references or applications be consolidated or heard together.

(2) An order may be made with respect to some only of the matters to which the appeals, references or applications relate.

31. Power to select test case in appeals or references

(1) Where the Tribunal is of the opinion that two or more appeals or references involve the same issues it may, with the written consent of all the parties to the appeals or references, select one or more appeal or reference to be heard in the first instance as a test case or test cases and the parties to each appeal or reference shall be bound by the decision of the Tribunal on that appeal or reference.

(2) -----

32. Application of Arbitration Act 1996

The following provisions of the Arbitration Act 1996 shall apply to all proceedings as they apply to an arbitration—

- (a) section 47 (awards on different issues, etc.), as if the words 'unless otherwise agreed by the parties' were omitted from subsection (1) and so that the reference to 'award' shall include a reference to any decision of the Tribunal;
- (b) section 49 (interest) subject to any enactment that prescribes a rate of interest;
- (c) section 57(3) to (7) (correction of award or additional award);
- (d) section 66 (enforcement of the award).

33. Evidence

(1) Evidence before the Tribunal may be given orally and may be on oath or affirmation or, if the parties to the proceedings consent or the Tribunal so orders, by affidavit.

(2) Notwithstanding paragraph (1), the Tribunal may at any stage of the proceedings require the personal attendance of any deponent for examination or cross-examination.

(3) Paragraphs (2) to (7) of rule 38 shall apply to an application to the Tribunal for leave to give evidence by affidavit but as if for “registrar” in those paragraphs there were substituted “Tribunal”.

(4) Nothing in the Civil Evidence Act 1972, or in rules of court made under it, shall prevent expert evidence from being given before the Tribunal by any party even if no application has been made to the Tribunal for a direction as to the disclosure of that evidence to any other party to the proceedings.

34. Power to order discovery etc

(1) The Tribunal, or subject to any directions given by the Tribunal, the registrar may, on the application of any party to the proceedings or of its or his own motion, order any party–

- (a) to deliver to the registrar any document or information which the Tribunal may require and which it is in the power of the party to deliver;
- (b) to afford to every other party to the proceedings an opportunity to inspect those documents (or copies of them) and to take copies;
- (c) to deliver to the registrar an affidavit or make a list stating whether any document or class of document specified or described in the order or application is, or has at any time been in his possession, custody or power and stating when he parted with it;
- (d) to deliver to the registrar a statement in the form of a pleading setting out further and better particulars of the grounds on which he intends to rely and any relevant facts or contentions;
- (e) to answer interrogatories on affidavit relating to any matter at issue between the applicant and the other party;
- (f) to deliver to the registrar a statement of agreed facts, facts in dispute and the issue, or issues to be tried by the Tribunal; or
- (g) to deliver to the registrar witness statements or proofs of evidence.

(2) Where an order is made under paragraph (1) the Tribunal or registrar may give directions as to the time within which any document is to be sent to the registrar (being at least 14 days from the date of the direction) and the parties to whom copies of the document are to be sent.

(3) Rule 38 shall apply to this rule as appropriate both in relation to applications and where the registrar acts of his own motion.

35. Extension of time

(1) The time appointed by or under these Rules for doing any act or taking any steps in connection with any proceedings may be extended on application to the registrar under rule 38.

(2) The registrar may extend the time limit on such terms as he thinks fit and may order an extension even if the application is not made until after the time limit has expired.

35A Shortening of time etc

- (1) In this rule “urgency direction” means a direction under rule 6(1B), 7(2B) or 8(4B).
- (2) The Tribunal may make an urgency direction–
 - (a) on application of a party, or
 - (b) on its own initiative.
- (3) Paragraphs (4) to (8) apply, and rule 38 does not apply, where a party applies for an urgency direction.
- (4) The application shall be made in writing and shall state the title of the proceedings, and the grounds upon which the application is made.
- (5) 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.
- (6) If the application is not made with the consent of every party the applicant shall serve a copy of the proposed application on every other party before it is made and the application shall state that this has been done.
- (7) Subject to paragraph (8), the Tribunal shall give notice in writing to the parties other than the applicant inviting them to make representations in writing in relation to the application.
- (8) Paragraph (7) does not apply where the Tribunal, having considered the application and the grounds upon which it is made, decides to refuse the application.
- (9) Where the Tribunal proposes to make an urgency direction on its own initiative it shall give notice in writing to the parties–
 - (a) of the direction which it proposes to make; and
 - (b) inviting the parties to make representations in writing in relation to the proposal.
- (10) The notice given under paragraph (7) or (9) may specify a date by which representations are to be made.
- (11) Before making an urgency direction the Tribunal shall consider all the representations that it has received.

36. Appellant limited to grounds of appeal

- (1) On the hearing of an appeal under Part III or of an application under Part V, the appellant or applicant may rely only on the grounds stated in his notice of appeal, statement of case or application unless the Tribunal permits additional grounds to be put forward.
- (2) If the Tribunal permits additional grounds to be put forward in accordance with paragraph (1) it may do so on such terms as to costs, adjournment or otherwise as it thinks fit.

37. Right of audience

(1) Subject to paragraph (2), in any proceedings a party may appear in person or be represented by counsel or solicitor or by any other person with the leave of the Tribunal, or, in the case of an interlocutory application, the leave of the registrar.

(2) Where a valuation officer is a party to proceedings, he may not appear in person except with the leave of the Tribunal or, in the case of an interlocutory application, the leave of the registrar.

38. Interlocutory applications

(1) Except where these Rules make other provision or the Tribunal otherwise orders, an application for directions of an interlocutory nature in connection with any proceedings shall 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 every party the applicant shall serve a copy of the proposed application on every other party before it is made and the application shall state that this has been done.

(5) A party who objects to an application may, within 7 days of service of a copy on him, send written notice of his objection to the registrar.

(6) Before making an order on an application the registrar shall consider all the objections that he has received and may allow any party who wishes to appear before him the opportunity to do so.

(7) In dealing with an application the registrar shall have regard to the convenience of all the parties and the desirability of limiting so far as practicable the costs of the proceedings and shall inform the parties in writing of his decision.

(8) The registrar may refer the application to the Tribunal for a decision and he shall do so if requested by the applicant or a party objecting to the application.

(9) A party may appeal to the Tribunal from a decision of the registrar under this rule by giving written notice to the registrar within 7 days of service of the notice of decision or such further time as the registrar may allow.

(10) An appeal under paragraph (9) shall not act as a stay of proceedings unless the Tribunal so orders.

(11) -----

39. Pre-trial review

(1) The Tribunal and, subject to any direction given by the Tribunal, the registrar may, on the application of a party to the proceedings or of its or his own motion order a pre-trial

review to be held and the registrar shall send to each party to the proceedings a notice informing him of the place and date of the pre-trial review.

(2) Unless the parties agree otherwise, the date of the pre-trial review shall be not less than 14 days from the making of the order that the pre-trial review should be held.

(3) The Tribunal or the registrar—

(a) shall at the pre-trial review give any direction that appears necessary or desirable for securing the just, expeditious and economical disposal of the proceedings;

(b) shall at the pre-trial review endeavour to secure that the parties make all such admissions and agreements as ought reasonably to be made by them in relation to the proceedings; and

(c) may record in the order made on the review any admission or agreement made under sub-paragraph (b) or any refusal to make any admission or agreement.

(4) Where a party seeks a specific direction he shall, so far as is practicable, apply for such direction at the pre-trial review and shall give the registrar and every other party notice of his intention to do so.

(5) If an application which might have been made at the pre-trial review is made subsequently the applicant shall pay the costs of and occasioned by the application unless the Tribunal considers that there was sufficient reason for the application not having been made at the review.

(6) Paragraphs (6) to (10) of rule 38 shall apply to a pre-trial review as if it were an interlocutory application.

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

40. Certificates of value

A party may apply in writing to the registrar for a certificate of value under section 35 of the 1961 Act and shall provide the registrar, at his request, with the information necessary to enable the certificate to be given.

41. Administration of oaths

The registrar and the Tribunal shall have power to administer oaths and take affirmations for the purpose of affidavits to be used in proceedings or for the purpose of the giving of oral evidence at hearings.

42. Expert witnesses

(1) This rule applies to any proceedings except an application for a certificate under Part VI.

(2) Subject to paragraph (3), only one expert witness on either side shall be heard unless the Tribunal orders otherwise.

(3) Where the proceedings relate to mineral valuations or business disturbance, not more than two expert witnesses on either side shall be heard unless the Tribunal orders otherwise.

(4) An application for leave to call more than the number of expert witnesses permitted by this rule may be made to the registrar in accordance with rule 38, or to the Tribunal at the hearing.

(5) A party shall, within 28 days of receiving a request from the registrar, send to him and to the other parties to the proceedings a copy of each of the following documents relating to the evidence to be given by each expert witness—

(a) the expert witness's report, including every plan and valuation of the land or property to which the proceedings relate (which shall include full particulars and computations in support of the valuation) which it is proposed to put in evidence; and

(b) either—

(i) full particulars of any comparable properties and transactions to which the party intends to refer at the hearing in support of his case and a statement of the purpose for which the comparison is made; or

(ii) a statement that no comparable properties or transactions will be referred to.

(6) If—

(a) an application for leave under paragraph (4) is made at the hearing and granted by the Tribunal; or

(b) at the hearing any party seeks to rely on documents not sent to the registrar or to the other parties in accordance with paragraph (5);

the Tribunal may adjourn the hearing on such terms as to costs or otherwise as it thinks fit.

43. Preliminary issues

- (1) The Tribunal may, on the application of any party to proceedings, order any preliminary issue in the proceedings to be disposed of at a preliminary hearing.
- (2) If in the opinion of the Tribunal the decision on the preliminary issue disposes of the proceedings, it may order that the preliminary hearing shall be treated as the hearing of the case or may make such other order as it thinks fit.
- (3) Paragraphs (2) to (7) of rule 38 shall apply to an application under paragraph (1) above as if for “registrar” in those paragraphs there were substituted “Tribunal”.

44. Sealed offers

- (1) Where any party unconditionally offers or is ready to accept, any sum as compensation or by way of price, or to agree a rent or a rateable value, a copy of the offer or indication of the readiness to accept 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 or indicated the readiness to accept and shall be opened by the Tribunal after it has determined the proceedings.
- (2) An offer or an indication of readiness to accept which is sent to the registrar or delivered to the Tribunal in accordance with paragraph (1), shall not be disclosed to the Tribunal until it has decided the amount of such sum, rent or rateable value.

45. Withdrawal or dismissal of appeal etc, before hearing

- (1) 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 representatives.
- (2) A party may, at any time before the hearing of the proceedings, apply to the Tribunal for an order to dismiss the proceedings and the Tribunal may make such order as it thinks fit.
- (3) Paragraphs (2) and (4) to (7) of rule 38 shall apply to an application under paragraph (2) as if for “registrar” there were substituted “Tribunal”.

46. Failure to pursue proceedings or comply with Rules

- (1) If it appears to the Tribunal that any party to proceedings has failed to send a copy of any document to any other party or to the registrar as required by these Rules, it may—
 - (a) direct that a copy be sent;
 - (b) adjourn the further hearing of the proceedings; and
 - (c) require the party at fault to pay any additional costs occasioned as a result of the failure.

(2) Where a party has failed to pursue any proceedings with due diligence or has failed to comply with any of the provisions of these Rules the registrar or the Tribunal on the application of any party or of his or its own motion after giving the parties an opportunity to be heard may make—

- (a) an order that the proceedings be heard by the Tribunal; or
- (b) an order that the proceedings be dismissed or that any party be debarred from taking any further part in the proceedings; or
- (c) such other order as may be appropriate for expediting or disposing of the proceedings including an order for costs.

(3) Paragraphs (9) and (10) of rule 38 shall apply to any order made by the registrar under paragraph (2).

47. Failure to comply with the Rules not to render proceedings invalid

Any failure by any person to comply with these Rules shall not render the proceedings or anything done in pursuance of them invalid unless the Tribunal so directs.

48. Procedure at hearing

Subject to these Rules the procedure at the hearing of any proceedings shall be such as the Tribunal may direct.

49. Default of appearance at hearing

(1) If on an appeal under Part III or an application under Part V the appellant or applicant fails to attend or be represented at the hearing the Tribunal may dismiss the appeal or application.

(2) If any party to proceedings referred to in paragraph (1) other than the appellant or applicant, or any party to a reference under Part IV fails to attend or be represented at the hearing, 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.

(3) Where proceedings have been dismissed or determined under this rule, the Tribunal may, on the application of the party who has failed to attend within 7 days of the dismissal or determination, if it is satisfied that he had sufficient reason for his absence, set aside the dismissal or determination on such terms as to costs as it thinks fit.

50. Decision of Tribunal

- (1) Subject to paragraph (2), the decision of the Tribunal on an appeal, reference or application shall be given in writing, and shall state the reasons for the decision.
- (2) The Tribunal may give its decision orally in cases where it is satisfied that this would not result in any injustice or inconvenience to the parties.
- (3) The Tribunal may, and on the application of any party to the proceedings shall, issue an order incorporating its decision.
- (4) 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, any alternative amount or value which it would have awarded or determined if it had come to a different decision on the point of law.
- (5) The Tribunal^(a) shall serve a copy of the decision or, where the decision is given orally an order stating its effect, on every party who has appeared before the Tribunal in the proceedings, and—
 - (a) in the case of an appeal against the decision of a valuation tribunal to the clerk of that tribunal and, if the appeal is a rating appeal, to the valuation officer;
 - (b) in the case of any other appeal under Part III, to the authority.
- (6) If the Court of Appeal directs that any decision of the Tribunal which has been appealed to the Court of Appeal, should be amended the registrar shall send copies of the amended decision to every person who was notified of the original decision.
- (7) Where the Tribunal has made an award in proceedings on a compulsory purchase compensation reference, on the application of any party the Tribunal must specify the amount awarded in respect of any particular matter the subject of the award.

51. Consent orders

Where the parties to proceedings have agreed the terms of an order to be made by the Tribunal, particulars of those terms signed by all the parties or by their representatives shall be sent to the registrar and an order may be made by the Tribunal in accordance with those terms in the absence of the parties.

52. Taxation of costs

- (1) -----
- (2) The registrar may make an order as to costs in respect of any application or proceedings heard by him.

(a) See endnotes

(3) A person dissatisfied with the order of the registrar under paragraph (2) may, within 10 days of the order, appeal to the Tribunal which may make such order as to the payment of costs including the costs of the appeal as it thinks fit.

(4) If the Tribunal directs that the costs of a party to the proceedings be paid by another party it may settle the amount of costs by fixing a lump sum or direct that the costs be taxed by the registrar on such basis as the Tribunal thinks fit, being a basis that would be applied on a taxation of the costs of High Court or county court proceedings.

(5) A party dissatisfied with a taxation of costs under paragraph (4) may, within 7 days of the taxation, serve on any other interested party and on the registrar written objection specifying the items objected to and applying for the taxation to be reviewed in respect of those items.

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

(7) A person dissatisfied with the decision of the registrar under paragraph (6) may, within 10 days of the decision, apply to the Tribunal to review the taxation and the Tribunal may make such order as it thinks fit including an order as to payment of the costs of the review.

(8) Paragraphs (8) and (10) of rule 38 shall apply to any application under this rule.

53. Solicitor to be on the record

(1) Where a solicitor commences or responds to proceedings on behalf of a party to those proceedings he shall be noted on the record of the Tribunal as acting for that party.

(2) A party who has previously carried on proceedings in person may appoint a solicitor at any time to act on his behalf and if he does so shall notify the Tribunal who shall note on the record that the solicitor is acting for that party.

(3) A party who has previously been represented by a solicitor may change his solicitor at any time, or may decide to continue the proceedings in person but unless such change or decision is notified to the Tribunal the former solicitor shall be considered the representative of the party until the conclusion of the proceedings.

(4) The notifications referred to in paragraphs (2) and (3) may be given by the party or his solicitor and the person giving the notification shall send a copy to every other party to the proceedings.

(5) A solicitor who is on the record of the Tribunal as acting for a party shall be responsible for the payment of all fees of the Tribunal which are the responsibility of that party whilst he remains on the record.

54. Service of notices

(1) Every party to proceedings shall notify the registrar of an address for service of documents on him.

(2) Where a party to proceedings is represented by a person other than a solicitor he shall—

- (a) send to the registrar written authority for that representative to act on his behalf; and
 - (b) notify the registrar if the representative ceases to act on his behalf and, if replaced, shall give the registrar details of the new representative together with the written authority for the new representative to act on his behalf.
- (3) Any document to be served on any person under these Rules shall be deemed to have been served if sent by pre-paid post to that person at his address for service.
- (4) -----
- (5) Any application or communication to be made to the Tribunal in respect of any case shall be addressed to the registrar.

55. Change of address

A party to any proceedings may at any time by notice in writing to the registrar and to every other party to the proceedings change his address for service under these Rules.

56. Substituted service

If any person to whom any notice or other document is required to be sent under these Rules–

- (a) cannot be found after all diligent enquiries have been made;
- (b) has died and has no personal representative; or
- (c) is out of the United Kingdom;

or for any other reason service upon him cannot readily be effected in accordance with these Rules, the Tribunal may dispense with service upon that person or make an order for substituted service in such other form (whether by advertisement in a newspaper or otherwise) as the Tribunal may think fit.

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PART 8A

Permission to appeal to the Court of Appeal and review

57. Interpretation of Part 8A

In this Part–

“appeal” means the exercise of a right of appeal on a point of law under section 13 of the Tribunals, Courts and Enforcement Act 2007; and

“review” means the review of a decision by the Tribunal under section 10 of that Act.

58. Application for permission to appeal

- (1) A person seeking permission to appeal must make a written application to the Tribunal for permission to appeal.
- (2) An application under paragraph (1) must be sent or delivered to the Tribunal so that it is received within 28 days after the date on which the Tribunal sent a copy of the decision or an order stating its effect to the party making the application.
- (3) If the person seeking permission to appeal provides the application to the Tribunal later than the time required by paragraph (2), or by any extension of time under rule 35 (extension of time)–
 - (a) the application must include a request for an extension of time and the reason why the application was not provided in time; and
 - (b) unless the Tribunal decides to extend time for the application, the Tribunal must refuse the application.
- (4) An application under paragraph (1) must–
 - (a) identify the decision of the Tribunal to which it relates;
 - (b) identify the alleged error or errors of law in the decision; and
 - (c) state the result the person making the application is seeking.

59. Tribunal’s consideration of application for permission to appeal

- (1) On receiving an application for permission to appeal the Tribunal may review the decision in accordance with rule 60 (review of a decision), but may only do so if–
 - (a) when making the decision the Tribunal overlooked a legislative provision or binding authority which could have had a material effect on the decision; or
 - (b) since the Tribunal’s decision, a court has made a decision which is binding on the Tribunal and which, had it been made before the Tribunal’s decision, could have had a material effect on the decision.
- (2) If the Tribunal decides not to review the decision, or reviews the decision and decides to take no action in relation to the decision or part of it, the Tribunal must consider whether to give permission to appeal in relation to the decision or that part of it.
- (3) The Tribunal must send a record of its decision to the parties as soon as practicable.
- (4) If the Tribunal refuses permission to appeal it must send with the record of its decision–
 - (a) a statement of its reasons for such refusal; and
 - (b) notification of the right to make an application to the relevant appellate court for permission to appeal and the time within which, and the method by which, such application must be made.
- (5) The Tribunal may give permission to appeal on limited grounds, but must comply with paragraph (4) in relation to any grounds on which it has refused permission.

60. Review of a decision

(1) The Tribunal may only undertake a review of a decision pursuant to rule 59(1) (review on an application for permission to appeal).

(2) The Tribunal must notify the parties in writing of the outcome of any review and of any rights of review or appeal in relation to the outcome.

(3) If the Tribunal decides to take any action in relation to a decision following a review without first giving every party an opportunity to make representations, the notice under paragraph (2) must state that any party that did not have an opportunity to make representations may apply for such action to be set aside and for the decision to be reviewed again.

Dated 27th March 1996

Mackay of Clashfern, C.

Notes

1. In Rule 2 (interpretation) the definition of appeal should read: “‘appeal’ except in Part 8A ...”
2. Rule 50(5) should read “the registrar shall”

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SCHEDULE 1

FORM 1

Rule 2

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

Rule 21

To:- The Registrar.
Upper Tribunal.

I/We

of.....

being [owner(s)][tenant(s) for a term of years certain expiring in 19]

Strike out words not applicable

[mortgagee(s) in possession] of (*here describe the servient land*)

..... apply to the Upper 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*)

.....
.....

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

of]

Dated

Signed

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FORM 2

Rule 23

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 (*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.

Dated

Signed

Registrar
Upper Tribunal

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FORM 3

Rule 24

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

I certify that adequate notice of the proposed application by *(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 *(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 Upper Tribunal to be persons likely to be affected by the registration of such a notice.

Dated

Signed

Registrar
Upper Tribunal

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FORM 4

Rule 24

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

I certify that adequate notice of the proposed application by *(name of applicant)*

.....

to register a notice under section 2 of the Rights of Light Act 1959 against *(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 Upper 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 Upper Tribunal on

Dated.....

Signed

Registrar
Upper Tribunal