

1976 No. 146

LANDS TRIBUNAL

The Lands Tribunal Rules (Northern Ireland) 1976

Made . . . . . 4th May 1976  
Coming into operation . . . . . 1st July 1976

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The Department of Finance(a), after consultation with the President of the Lands Tribunal for Northern Ireland, in exercise of the powers conferred on it by section 9 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(b) and of all other powers enabling it in that behalf, hereby makes the following rules:

## PART I

## INTRODUCTORY

*Citation and commencement*

1. These rules may be cited as the Lands Tribunal Rules (Northern Ireland) 1976 and shall come into operation on 1st July 1976.

*Interpretation*

2. In these Rules, save where otherwise provided by these rules—

(1) “the Act” means the Lands Tribunal and Compensation Act (Northern Ireland) 1964;

“the Department” means the Department of Finance;

“the Rates Order” means the Rates (Northern Ireland) Order 1972(c);

“the President” means the President of the Lands Tribunal;

“the Tribunal” means the member or members of the Lands Tribunal selected to deal with a case under the provisions of section 8 of the Act;

“the registrar” and “the office” mean respectively the registrar and the office for the time being of the Tribunal;

“General Commissioners” and “Special Commissioners” have the same meaning respectively as in the Taxes Management Act 1970(d);

“the Commissioner”, “district valuer”, “net annual value” and “rateable value” have the same meaning respectively as in the Rates Order (defined above);

“served” means served in accordance with rule 36 of the General Rules;

“statutory provision” has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954(e);

(2) “the General Rules” means the rules in Part II;

“the Rating Rules” means the rules in Part III;

“the Rules for Tax Cases” means the rules in Part IV;

“the Estate Duty Rules” means the rules in Part V;

“the Land Development Values Rules” means the rules in Part VI;

“the Business Tenancies Rules” means the rules in Part VII;

(a) Formerly Ministry: see 1973 c. 36 s. 40 Sch. 5 para. 8(1).

(b) 1964 c. 29 (N.I.).

(c) S.I. 1972/1633 (N.I. 16).

(d) 1970 c. 9.

(e) 1954 c. 33 (N.I.).

“the Miscellaneous Statutory Provisions Rules” means the rules in Part VIII;

- (3) a form referred to by number or by letter means the form so numbered or lettered in Schedule 1.

## PART II

### THE GENERAL RULES

#### *Application*

3.—(1) The General Rules in this Part shall, unless otherwise provided, apply to all proceedings before the Tribunal.

(2) In their application to each of the jurisdictions to which Parts III to VIII relate, the General Rules shall have effect as respectively modified by each Part and as if proceedings in the exercise of that jurisdiction were instituted by a notice of reference.

#### *Institution of proceedings*

4.—(1) Save where otherwise provided a person may institute proceedings by serving on the registrar a notice of reference as nearly as possible in accordance with Form I together with sufficient copies for service on each other party to the proceedings.

(2) The party instituting the proceedings shall in the following cases send to the registrar with the notice of reference —

- (a) on a claim for compensation for damage to land caused in the execution of powers of entry under a statutory provision, a copy of any notice in writing given to him by the authority which exercised the power of entry;
- (b) on a claim for compensation for depreciation in the value of land or property caused by the execution, or use of works under a statutory provision, a copy of any order, document, notice or instrument authorising or specifying the execution or use of works relevant to his claim;
- (c) on a reference under section 6(6) of the Act, a copy of the agreement to arbitrate;
- (d) in any other case, the party instituting the proceedings shall send to the registrar with the notice of reference, a copy of any order, document, notice or instrument which he claims gives rise to the question for determination.

#### *Entry of reference*

5.—(1) Upon receiving a notice of reference, the registrar shall —

- (a) enter particulars of the reference in a register and shall inform each of the parties to the proceedings of the number of the reference entered in the register, which shall thereafter constitute the title of the proceedings, and
- (b) send a copy of the notice of reference to each of the parties to the proceedings (other than the party or parties by whom the notice of reference is given), and inform him that he has been made a party to the proceedings, subject to his right to apply to the registrar within 14 days from the date of the sending of such notice of reference to have his name removed from the proceedings upon the ground that he has no interest, or no sufficient interest, in the proceedings to justify his appearance as a party therein.

(2) The registrar may, before entering particulars of a reference in the register or at any stage in the proceedings on a reference, require a party serving a notice of reference to deliver to him a further and better statement of the matter referred and of the parties having an interest therein.

*Notice of intention to appear by a notice party*

6.—(1) The registrar may at any stage of the proceedings give notice of the entry of the reference to any person whose interests appear to be affected by the reference and such person on receipt of such notice may apply to the registrar to be joined as a party to the reference stating—

- (a) his interest in the matter and the grounds upon which he intends to rely;
- (b) whether he intends to appear separately or jointly with some other person;
- (c) whether he intends to call an expert witness;
- (d) an address for service of documents upon him;

and the registrar may then join such person as a party, and shall give notice thereof to all other parties to the proceedings.

(2) An application under this rule shall be made to the registrar within 14 days from the date of service of a notice of the entry of reference by the registrar under this rule.

*Time for the institution of proceedings and for steps in connection with proceedings*

7.—(1) Subject to any statutory provision proceedings in any matter to be determined by the Tribunal shall be instituted within the time prescribed by these rules in respect thereof, and if no time is so prescribed then as soon as reasonably practicable after the day upon which the party making such reference becomes entitled to refer the matter to the Tribunal.

(2) Subject to any statutory provision the registrar may, upon an application made under rule 12 enlarge the time for instituting proceedings on such terms as he thinks fit notwithstanding that the application is not made within a prescribed period.

(3) The time prescribed by these rules for making any application or serving any notice or taking any step in connection with proceedings may be extended on an application to the registrar under rule 12 and upon such terms as he thinks fit and such extension may be ordered notwithstanding the application for extension of time is not made until after the expiration of the time so prescribed.

(4) The time prescribed by these rules for any act or any step in connection with any proceedings may be abridged by the consent in writing of the parties affected by any such abridgment subject to being approved by the registrar upon an application under rule 12; or by the Tribunal.

*Limitation of case and amendment of notice of reference*

8.—(1) Subject to paragraph (3) a party shall not be entitled at the hearing of any matter to rely upon any ground not stated in his notice of reference except by leave of the Tribunal on such terms as to costs or otherwise as it thinks fit.

(2) Subject to paragraph (3) a notice party joined under the provisions of rule 6 shall not be entitled to rely upon any ground not stated in his application to be joined as a party, except by leave of the Tribunal on such terms as to costs or otherwise as it thinks fit.

(3) A notice of reference, or an application to be joined as a notice party under rule 6 may be amended by consent in writing of the parties to a reference upon an application to the registrar under rule 12, or by the Tribunal.

*Disclosure of documentary evidence*

9.—(1) Every party to a reference shall, if so requested by the registrar, furnish to him a list of the maps, plans, documents of title or otherwise, computations, and written, printed, or published material which it is intended to tender in evidence at the hearing, together with a copy of such list for each of the other parties to the proceedings.

(2) Subject to paragraph (5) the registrar may call for one or more copies of any item shown on such list or may require information or further or better particulars regarding any such item.

(3) The registrar shall send to each party to the proceedings a copy of the list required by this rule and may at his discretion also send a copy of any item or of any information or further and better particulars delivered to him.

(4) Subject to paragraph (5) any party to proceedings shall, if so requested by the registrar, furnish to him any document which the Tribunal may require and which it is in that party's power to furnish, and shall, if so directed by the registrar, afford to all other parties to the proceedings an opportunity to inspect any such document and to take a copy thereof.

(5) Nothing in this rule shall be deemed to require the delivery of a document or information or particulars which would be privileged in the proceedings or contrary to the public interest to disclose.

*Disclosure and exchange of the evidence of expert witnesses*

10.—(1) Except as provided by paragraph (3) the Tribunal shall not hear more than one expert witness on valuation, or on any one issue involving expert evidence on behalf of a party.

(2) Except where these rules otherwise provide, a party who intends to call an expert witness shall, within 28 days after being so requested by the registrar, send to the registrar with sufficient copies for service upon each of the other parties to the proceedings:—

- (a) a summary of the expert evidence to be given on behalf of such party at the hearing including all computations necessary to his case, and
- (b) a copy of each map, plan, document or material disclosed in any list furnished pursuant to rule 9, and
- (c) where the expert evidence involves a comparison of value with property not the subject of the proceedings, all relevant particulars of the situation, plan, area, and circumstances of that other property.

(3) An application for leave to call an additional expert witness or witnesses—

- (a) may be allowed by the registrar when made before the exchange of evidence under this rule, or
- (b) may be allowed by the Tribunal before the hearing,

upon such terms as to costs or otherwise as the registrar or the Tribunal thinks fit.

(4) The registrar after receiving all the evidence required to be supplied by the parties under paragraph (2) shall send a copy of the evidence thus supplied to each other party who has supplied evidence under paragraph (2).

*Failure to disclose documentary or expert evidence*

11. Where it appears to the Tribunal at a hearing that any party to proceedings has failed to comply with a request by the registrar under rule 9 or 10, the Tribunal may and, unless it is satisfied that no prejudice to any other party will arise, shall adjourn the hearing and may direct a party in default to supply a copy of any item which should have been listed under rule 9, or any evidence which should have been exchanged under rule 10, and may give such directions and impose such terms as to costs or otherwise as it thinks fit.

*Interlocutory applications*

12.—(1) Except where these rules otherwise provide, any application for an order or 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 another party the terms of such consent shall be set forth in writing and signed by or on behalf of all consenting parties.

(4) Where any party has not consented to the making of an application a copy of the application shall be served on him and the application shall state that such service has been effected.

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

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

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

(8) Any party aggrieved by a decision of the registrar on an application under this rule may appeal to the President by giving notice in writing to the registrar and to every other party within 7 days after receiving notice of the decision or within such further time as may be allowed by the registrar, but an appeal from a decision of the registrar shall not act as a stay of proceedings unless so ordered by the President.

(9) The powers and duties of the President under this rule may be exercised and discharged by any member or members of the Tribunal authorised by the President in that behalf.

(10) The powers of the registrar under this rule shall include the power to direct by which party or parties to the proceedings the costs of or incidental to or consequent upon an interlocutory application are to be borne, and to direct that all or some part of such costs are to be costs in the cause.

(11) Upon the hearing the Tribunal may revoke or vary an interlocutory order as to costs made under this rule.



*Other applications*

13.—(1) Any application authorised by a statutory provision including these rules to extend or to abridge time or any other application made before the entry of proceedings in the register, shall be made to the registrar and shall be formulated as and deemed to be an interlocutory application, except that no order for costs shall be made by the registrar in respect thereof.

(2) Where under these rules any step in proceedings requires the leave of the Tribunal or of the President an application for such leave shall be made in writing to the President stating the relief sought and a copy thereof shall be served on every other party to the proceedings. The President may order any such application to be heard in open court by any member or members of the Tribunal authorised by him in that behalf.

*Proceedings to be consolidated or heard together*

14.—(1) Except where otherwise provided by these rules, any party to proceedings before the Tribunal may apply under rule 12 to the registrar for an interlocutory order that such proceedings be consolidated or heard together with other proceedings (whether or not between the same or some of the same or other parties) upon the ground that—

- (a) the dispute or question for determination in the several proceedings is the same, or
- (b) there is a dispute or question for determination which is common to each such proceedings.

(2) Upon such application the registrar may—

- (a) order that the proceedings be consolidated or heard together, or
- (b) order that an issue of fact or of law or of mixed fact and law be determined in one or other of the proceedings with the remaining proceedings stayed, or
- (c) with the consent in writing of all the parties thereto, order that the determination in one of the proceedings of the dispute or question or issue shall be binding upon all such parties in their respective proceedings subject to the right of any such consenting party to require the Tribunal to state a case for the decision of the Court of Appeal.

(3) In any such proceedings referred to in paragraph (1) the President or the Tribunal may, without any application in that behalf, make an order that the proceedings shall be consolidated or heard together with other proceedings and any such order may be made with respect to some only of the issues or matters involved.

*Preliminary point of law*

15.—(1) The President may, on the application of any party to any proceedings, order any point of law which appears to be in issue in the proceedings to be disposed of at a preliminary hearing.

(2) The provisions of rule 12(2), (3), (4), (5) and (6) shall apply to an application under this rule with the substitution of references to the President for references to the registrar.

*Sittings of the Tribunal*

16.—(1) The Tribunal shall sit at such places as the President may determine.

(2) Subject to the provisions of paragraph (3) the registrar shall send to each party to proceedings before the Tribunal a notice informing him of the place, date and time of the hearing, which shall not be earlier than 14 days after the date on which the notice is sent unless the date, place or time for the hearing has been abridged under rule 7(4).

(3) Any party to whom notice has been sent under paragraph (2) may apply informally to the registrar for an alteration of the place, date or time for the hearing.

#### *Selection of members of Tribunal*

17. The President may at any time select another member of the Tribunal in substitution for a member previously selected by him as the Tribunal or as a member of the Tribunal to hear a case or who has been authorised by him to act under rule 12(9) or any other rule.

#### *Procedure at hearing*

18. Subject to the provisions of these rules and to any direction given by the President, the procedure at the hearing shall be such as the Tribunal may direct.

#### *Default of appearance at the hearing*

19.—(1) Subject to paragraph (2) if the party who instituted the proceedings does not appear at the time and place appointed for the hearing the Tribunal may dismiss or adjourn the proceedings upon such terms as to costs as it may think fit, and if any other party to the proceedings does not appear at such time and place the Tribunal may hear and determine the matter in his absence and may make such order as to costs as it thinks fit.

(2) Where proceedings have been dismissed or determined under this rule the Tribunal upon an application made by the absentee within 21 days from the order of the Tribunal, may, if satisfied that there was reasonable cause for such absence, set aside such dismissal or determination and re-enter the matter for hearing upon such terms as to costs or otherwise as it thinks fit.

#### *Evidence*

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

(2) The provisions of rule 12(2), (3), (4), (5) and (6), shall apply to an application to the President or Tribunal for leave to give evidence by affidavit, with the substitution of references to the President or the Tribunal for references to the registrar.

#### *Attendance of witnesses*

21. Any party to proceedings may exercise his right to sue out a writ of subpoena ad testificandum, or a writ of subpoena duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action in the High Court of Justice in Northern Ireland.

#### *Administration of oaths*

22.—(1) Evidence before the Tribunal or the President at the hearing of any proceedings shall be on oath or affirmation unless otherwise directed.

(2) The registrar shall have power to administer oaths and take affirmations.

#### *Tribunal to sit in public*

23. The Tribunal shall sit in public except where it is acting as arbitrator under a reference by consent, or where it is provided under these rules that the Tribunal may sit in camera.

#### *Right of audience*

24. In any proceedings a party may appear and be heard either in person, or by counsel or solicitor, or by any other person allowed by leave of the Tribunal (or by leave of the President or the registrar in the case of an interlocutory application) to appear on behalf of a party.

#### *Assessors*

25.—(1) If it appears to the President that any case before or coming before the Tribunal calls for special knowledge and that it would be desirable for the Tribunal to sit with an assessor or assessors, he may direct that the Tribunal shall hear the case with the aid of such person or persons as he may, after any consultations, appoint as assessor or assessors.

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

#### *View of land*

26.—(1) The Tribunal may enter on and inspect any land which is the subject of proceedings before the Tribunal and, so far as may be practicable, any comparable land to which the attention of the Tribunal may be directed.

(2) The Tribunal shall give notice to the parties of its intention to inspect any land and the parties and their expert witnesses shall be entitled to attend the inspection.

(3) Where the Tribunal considers such attendance unnecessary or undesirable, it may, without prejudice to its powers under rule 33(1), disallow the costs of such attendance.

#### *Interim awards*

27. Subject to any statutory provision the Tribunal in any proceedings may make an interim award and every reference by consent under section 6(6) of the Act shall unless a contrary intention is expressed therein be deemed to contain a provision that the Tribunal may make such interim award.

#### *Decision of Tribunal*

28.—(1) The decision of the Tribunal shall be given in writing together with a statement of the Tribunal's reasons for its decision.

Provided that the Tribunal may give its decision and its reasons orally in cases where it is satisfied that no injustice or inconvenience to the parties would be occasioned by its so doing.

(2) The decisions of the Tribunal shall be published in such manner as the President considers appropriate.

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

(4) The registrar shall send a copy of the decision (or, where the decision was given orally, a statement of its effect) to every party who appeared before the Tribunal, and to the Department (if any) responsible for administering the statutory provision by virtue of which the proceedings before the Tribunal were instituted.

(5) The Tribunal shall have power to correct any clerical or mathematical mistake, or error arising from an accidental slip or omission in any decision, including an order as to costs, at any time before a case stated by the Tribunal pursuant to section 8(6) of the Act has been perfected.

#### *Appeal by way of case stated*

29.—(1) An application by or on behalf of a person aggrieved by a decision of the Tribunal for a case stated upon a point of law for the decision of the Court of Appeal shall be made by lodging with the registrar—

- (a) within 7 days from the date of the order of the Tribunal, an application in writing stating the point of law upon which the applicant wishes to have the decision of the Court of Appeal, and
- (b) within a further 14 days, a draft case, so that the case may be perfected within the time prescribed by rules of court.

(2) If upon an appeal by way of case stated any directions are given for the amendment of any decision of the Tribunal, the amendments shall be made by the Tribunal accordingly and the registrar shall send copies of the amended decision to all persons to whom copies of the original decision were sent.

#### *Interest on awards*

30. Section 17 of the Arbitration Act (Northern Ireland) 1937(f) (which provides for the payment and rate of interest on sums awarded under that Act) shall apply to every sum awarded by the Tribunal except a sum which carries interest from such date and at such rate as may be fixed by or prescribed under any other statutory provision.

#### *Sealed offers*

31.—(1) An unconditional offer of any sum or of readiness to accept any sum as compensation shall not be disclosed to the Tribunal until it has decided upon the amount of compensation to be awarded to the party to or by whom the offer was made, but a copy of the offer enclosed in a sealed cover and marked plainly “unconditional offer” may be sent to the registrar or delivered to the Tribunal at the hearing by the party who made the offer and shall be opened by the Tribunal after it has decided upon the amount of the compensation.

(2) Where the only issue in proceedings is or becomes the determination by the Tribunal of a price, valuation (other than a valuation for rating purposes), rent, royalty or sum of money, or the apportionment of a price, such valuation, rent, royalty or sum of money, a party to the proceedings may make an un-

conditional offer of readiness to agree to a specified amount and may send or deliver a copy of his sealed offer and marked in the same manner as in paragraph (1), and which shall be opened by the Tribunal after it has made its determination.

(3) Subject to any statutory provision an unconditional offer made in accordance with paragraph (1) or (2) shall be taken into account by the Tribunal on the issue of costs.

#### *Consent orders*

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

#### *Costs*

33.—(1) Except in so far as section 5(1), (2) or (3) of the Acquisition of Land (Assessment of Compensation) Act 1919(g) applies and subject to paragraph (3) the costs of and incidental to any proceedings shall be in the discretion of the Tribunal, or the President in matters within his jurisdiction as President.

(2) If the Tribunal orders that the costs of a party to the proceedings shall be paid by another party thereto, the Tribunal may settle the amount of the costs by fixing a lump sum or may direct that the costs shall be taxed by the registrar on a scale specified by the Tribunal, being a scale of costs for the time being prescribed by rules of court or by county court rules.

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

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

(5) Any party dissatisfied with a decision of the registrar under paragraph (4) may, within 10 days of the decision, apply to the President to review the taxation, and the President may thereupon make such order as he thinks just, including an order as to the payment of the costs of the review, but the taxation by the registrar shall be final in respect of all matters to which objections shall not have been taken.

#### *Withdrawal of reference etc.*

34.—(1) A reference instituting proceedings or any application, notice or counter notice under these rules may be withdrawn by sending to the registrar a written notice of withdrawal signed by all the parties to the proceedings or by their solicitors or agents.

(2) In the absence of consent to a proposed withdrawal by all the parties to the proceedings, a party wishing to withdraw his notice of reference or application, notice or counter notice under these rules shall apply in writing to the registrar under the provisions of rule 12 and the registrar, or the President on appeal from the registrar, may permit such withdrawal on such terms as to costs or otherwise as he may think fit.

#### *Certificate of value*

35. An application for a certificate of value under section 9 of the Acquisition of Land (Assessment of Compensation) Act 1919 shall be made in writing to the registrar, and the parties to the sale may be required to furnish to the registrar such information and particulars including particulars of transactions alleged to be comparable as will enable the certificate to be given.

#### *Service of notices*

36. Any notice or other document required or authorised to be served for the purpose of these rules shall be sent by registered post or recorded delivery provided that any notice or other document required or authorised to be served on the registrar may be delivered by hand to him at the office.

#### *Change of address or name*

37. Any party to any proceedings may at any time by notice in writing to the registrar and to all other parties to those proceedings change his address for service under these rules, or may in similar manner give notice of any change of name.

#### *Failure to comply with rules*

38.—(1) Non-compliance with any of the provisions of these rules shall not render the proceedings or anything done in pursuance thereof invalid, unless the President or the Tribunal so directs.

(2) No application for a direction under this rule shall be allowed unless made within a reasonable time, nor if the party applying has taken any fresh step after knowledge of such non-compliance.

(3) Without prejudice to paragraph (2) the registrar may treat proceedings, or anything done under these rules as valid notwithstanding non-compliance with the provisions of these rules, and may require a party in default to make good as far as may be practicable his failure to comply with a particular rule.

#### *Delay in proceedings*

39.—(1) Where upon the application of a party it appears to the registrar that there has been undue delay in bringing proceedings to a hearing before the Tribunal or default in complying with any provisions of these rules the registrar may request any party to the proceedings to submit proposals for the completion of any procedural steps in the matter.

(2) The registrar may list any proceedings to be mentioned before the President or the Tribunal to enable one or other or more than one of the parties to apply for such order as may appear to be necessary to fix the place, date and time for hearing of the matter in dispute, or to have the proceedings stayed or struck out.

(3) In any proceedings to which paragraphs (1) or (2) apply the President or the Tribunal may make an order putting one or other or more than one of the parties on terms for the further conduct of the proceedings (including terms as to costs) or may order the proceedings to be stayed or struck out upon such terms as may seem fit.

*Fees*

40.—(1) The fees specified in Schedule 2 shall be paid to the registrar in respect of the matters mentioned in the said Schedule and payment shall be evidenced by means of stamps impressed on the notice, application or other document therein mentioned or on any order or award of the Tribunal.

Provided that, when the facility of stamping is withdrawn on 31st March 1977 or such other date as may be prescribed, payment of fees may be made by remittance in the form of a postal order or cheque payable to the Lands Tribunal of Northern Ireland, and such a payment shall be evidenced by a receipt in writing by the registrar for the amount remitted.

(2) A document sent to the registrar for stamping shall be accompanied by a remittance in accordance with the directions set forth in Schedule 2.

(3) A hearing fee shall, unless the Tribunal otherwise directs, be payable by the party by whom the proceedings were instituted, without prejudice to his right to recover the amount of the fee from any other party by virtue of an order as to costs.

*Substituted service*

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

*Transitional provisions*

42. Where before the date on which these rules come into operation proceedings have been commenced under any of the rules revoked by rule 43, and the hearing has not been begun at that date, anything done for the purpose of those proceedings shall be treated as if it has been done under these rules, so that the President, the Tribunal and the registrar shall respectively be entitled to exercise any power under these rules in relation to such proceedings.

*Revocation of previous rules*

43. The rules specified in Schedule 3 are hereby revoked.

**PART III****PROCEEDINGS UNDER THE RATES (NORTHERN IRELAND) ORDER 1972***The Rating Rules**Instituting of proceedings under the Rates Order*

A1.—(1) An appeal against a determination of the Department under Article 13(3) of the Rates Order(h) shall be instituted by serving on the registrar a notice of appeal in accordance with Form AA within 21 days from the date of issue by the Department of the notice of determination.

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(h) S.I. 1972/1633 (N.I. 16).

(2) An appeal under Article 54 of the Rates Order from a decision of the Commissioner (including a decision to make an alteration in the valuation list) shall be instituted by serving on the registrar a notice of appeal in accordance with Form AB within 21 days from the date of issue by the Commissioner of the decision appealed against.

(3) An appeal transferred under Article 53 of the Rates Order shall be preceded with (as soon as practicable after the granting of the consent of the President to such transfer) by the Commissioner serving on the appellant and on the registrar a notice of such transfer and the appeal shall thereafter be treated in the same manner as an appeal under Article 54 of the Rates Order but rule 33 of the General Rules (Costs) shall not apply thereto except in so far as it relates to the settlement or taxation of costs or to the review of any such taxation.

#### *Application for extension of time*

**A2.** Any application for extension of the time for instituting an appeal under rule A1(1) or rule A1(2) shall be made as if it was an interlocutory application under rule 12 of the General Rules and shall state reasons for non-compliance with the requirement for service of a notice of appeal on the registrar within the prescribed period of 21 days.

#### *Notification of certain appeals to district council*

**A3.** In an appeal instituted under rule A1(1) or A1(2), the appellant not being a district council shall at the same time send a copy of his notice of appeal to the district council.

#### *Notification to other interested parties*

**A4.** In any case, if the matter of the appeal is such as to require alteration to be made in the amount of rate payable by any person other than the appellant, or in the valuation of any hereditament for which any such person is liable to be rated, the appellant shall also at the same time serve a copy of the notice of appeal on each such person who may within 21 days from the date of the notice of appeal serve on the registrar notice of his intention to appear as a party on such appeal and stating the particulars specified in rule 6(1) of the General Rules. Every person who gives such notice shall thenceforward be a party to the appeal.

#### *Notifications by parties of intention to appear*

**A5.** Any other person not served with notice of an appeal under rule A4 who claims to be entitled to appear and be heard on such appeal under the statutory provision conferring the right of appeal, may serve notice on the registrar of his intention to appear stating the particulars specified in Rule 6(1) of the General Rules and may thenceforward be added as a party to the appeal if it appears to the registrar that he is a person with an interest in that appeal.

#### *Entry of Appeal*

**A6.** Upon receiving a notice of appeal the registrar shall enter particulars of the appeal in a register of rating appeals and shall serve on the Department or the Commissioner as appropriate a copy of such notice and shall inform:—

- (a) the appellant, and
- (b) each person served with notice of the appeal, and
- (c) any person who has served notice of intention to appear as a party on the appeal,



of the number of the appeal as entered in the register which number shall thereafter constitute the title of the appeal.

*Notification of appearances by the registrar*

A7. The registrar shall as soon as possible after receipt of a notice of intention to appear serve on each other party to the appeal a copy of such notice, and in case of a notice of intention to appear under rule A5 shall serve on the person giving such notice, copies of the notice of appeal and of any notices of intention to appear sent by other parties to the appeal.

*Appeal against a determination of the Department under Article 13(3) of the Rates Order*

A8.—(1) The appellant shall within 28 days after the expiration of the time limited by rule A1(1) for giving notice of appeal, serve on the registrar a statement of his case, including the facts to be proved and the points of law (if any) on which he intends to rely at the hearing of the appeal together with copies of the statement for the Department and any other party to the appeal. The registrar shall as soon as practicable after receipt of such statement serve a copy thereof on each other party to the appeal.

(2) Every party including the Department who proposes to appear on the hearing of the appeal shall within 28 days after receiving the appellant's statement of case, serve on the registrar a reply stating his case, the facts to be proved and the points of law (if any) on which he intends to rely at the hearing together with copies of the reply for the appellant and any other party to the appeal.

(3) The registrar shall as soon as practicable after receiving the replies serve on each party a copy of the reply supplied by each other party.

*Appeals under Article 54 of the Rates Order*

A9.—(1) This rule applies where the appellant proposes to raise a point of law or to propound expert valuation evidence.

(2) The appellant shall, within 28 days after the expiration of the time limited by rule A1(2) for giving notice of appeal, or in the case of an appeal under rule A1(3), after the date of the notice of transfer serve on the registrar the following statements with a copy of each statement for each of the other parties to the appeal:—

(a) a statement of his case, including the facts to be proved and the points of law, (if any) on which he intends to rely at the hearing of the appeal,

(b) a statement giving the address, description and valuation as shown in the valuation lists then current of the comparable hereditaments to which he intends to refer at the hearing, or a statement that he does not propose so to refer to any hereditament other than the subject of appeal,

and the registrar shall as soon as practicable after receipt of such statements serve on each of the other parties to the appeal a copy of the appellant's statements.

(3) The appellant may and shall where he intends to propound expert valuation evidence within the same period also serve on the registrar together with sufficient copies for distribution to the other parties to the appeal a statement setting forth a valuation, or where it is proposed to put in evidence two or more alternative valuations, every valuation of the hereditament under appeal which it is proposed to put in evidence (including particulars and computations in support of each valuation) or a statement of value or values that the parties have agreed to attribute to the hereditament in the event of the Tribunal allowing the appeal.

(4) Every party who proposes to appear at the hearing of the appeal shall, within 28 days after receiving the appellant's statement of case serve on the registrar a reply stating his case, including the facts to be proved and the points of law, (if any) on which he intends to rely at the hearing together with statements corresponding to those mentioned in paragraphs (2)(b) and (3) with sufficient copies for distribution to the other parties to the appeal provided that the Commissioner or a district valuer shall not be required to produce any statement of valuation of the hereditament under appeal before the hearing.

(5) The registrar shall, as soon as practicable after receiving all the statements under paragraph (4) serve on each party to the appeal who has submitted such statements a copy of the statements supplied by each other party.

(6) When the Commissioner has received from the registrar a copy of the appellant's statement of case with a copy of either of the statements of intention referred to in paragraph (2)(b), the Commissioner shall serve on the registrar the statutory particulars relative to the subject and to the comparable hereditaments which the Commissioner intends to use at the hearing of the appeal together with a copy of such particulars for the appellant pursuant to regulations(i) made under the Finance Act (Northern Ireland) 1936(j).

*Cases not raising a point of law and in which the appellant does not propose to propound expert valuation evidence*

**A10.**—(1) This rule applies when the appellant neither proposes to raise a point of law nor to propound expert valuation evidence.

(2) In cases to which this rule applies an exchange under rule A9(5) is not obligatory, but the appellant may, within 28 days after service of a notice of appeal under rule A1(2), serve on the registrar together with copies for the Commissioner a statement of his case including the facts to be proved and either of the statements of intention referred to in rule A9(2)(b), and the Commissioner shall within 28 days of the receipt of the copies of such statements send to the registrar his reply and a statement of the statutory particulars which the Commissioner intends to use on the hearing of the appeal together with copies for the appellant.

(3) In any case where a party other than the appellant proposes to call an expert valuer and no exchange of statements under rule A9(5) has taken place such party shall send to the registrar at least 10 days before the hearing statements conforming as nearly as may be to the requirements of rule A9(2)(b) and (4) with sufficient copies for distribution to all other parties, and the registrar shall serve such copies on the other parties as soon as practicable.

*Power to Tribunal to waive requirements*

**A11.** Notwithstanding the provisions of rule A9 which require the giving of prior notice of a point of law involved in an appeal, the Tribunal may, at the hearing waive the requirements of such rule on such terms as to costs or otherwise as may seem just in all the circumstances of the appeal.

*Interpretation*

**A12.** For the purposes of this Part "statutory particulars" means any particulars which may have been delivered to or abstracted by the Department under section 9(1) of the Finance Act (Northern Ireland) 1936.

(i) S.R. & O. (N.I.) 1938 No. 32 (p. 392).

(j) 1936 c. 33 (N.I.).

## PART IV

## PROCEEDINGS IN RESPECT OF CAPITAL GAINS AND CORPORATION TAX

*The Rules for Tax Cases**Interpretation*

**B1.** In this Part "the Act" means the Taxes Management Act 1970(k).

*Application of Part*

**B2.** This Part shall apply to a question as to the value of any land or of a lease of land referred to the Tribunal under section 47(1) of the Act.

*Institution of proceedings*

**B3.** Where it is proposed to refer to the Tribunal a question as to the value of any land or of a lease of land, the Court or the General Commissioners or the Special Commissioners hearing the appeal in which the question arises or before the hearing of that appeal, an Inspector of Taxes, shall serve on the registrar a notice of reference in Form B, together with sufficient copies for service upon each of the other parties to that appeal, who shall thenceforward be parties to the proceedings before the Tribunal.

A certified copy of any order or direction in respect of the question for determination shall be served on the registrar with the notice of reference.

*Time for institution of proceedings*

**B4.** A reference to the Tribunal by an Inspector of Taxes shall be made before the date when the appeal in which the question arises has been listed for hearing by a Court or the General or the Special Commissioners.

*Entry of proceedings*

**B5.** In its application to a reference to which this Part applies rule 5 of the General Rules shall have effect as if the title of the proceedings included the title of the appeal in which the question arises.

*Hearing in camera*

**B6.** Where the appeal in which the question arises may be heard in camera the President or the Tribunal may upon the application of any party order a hearing in camera.

*Notice of decision*

**B7.** The registrar shall serve a copy of the decision of the Tribunal on every party who has appeared before the Tribunal and on the Court or the General Commissioners or the Special Commissioners which referred the question of valuation to the Tribunal.

*Fees exemption*

**B8.** No entry or hearing fee shall be payable under Schedule 2.

## PART V

APPEALS AGAINST DETERMINATIONS UNDER THE FINANCE (1909-1910) ACT 1910  
*The Estate Duty Rules*

*Notice of appeal*

**C1.** An appeal under section 33 or section 60 of the Finance (1909-1910) Act 1910(l) shall be instituted by sending to the registrar in duplicate a written notice of appeal in accordance with Form C within 30 days after the determination.

*Entry of appeal*

**C2.** Upon receiving notice of the appeal the registrar shall enter particulars of the appeal in the register and inform the appellant and the Commissioners of Inland Revenue of the number of the appeal entered in the register.

*Hearing in camera*

**C3.** Where the appeal may be heard in camera the President or the Tribunal may upon application of any party to the proceedings order a hearing in camera.

*Fees exemption*

**C4.** No entry or hearing fee shall be payable under Schedule 2.

## PART VI

PROCEEDINGS UNDER THE LAND DEVELOPMENT VALUES (COMPENSATION) ACT  
 (NORTHERN IRELAND) 1965

*Land Development Values Rules**Interpretation*

**D1.** In this Part—

“the Act” means the Land Development Values (Compensation) Act (Northern Ireland) 1965(m);

“the Department” means the Department of the Environment for Northern Ireland;

“a Part I application” means an application to the Department requiring it to ascertain the development value of land in accordance with Part I of the Act; and “an applicant” shall be construed accordingly;

“compensatable estate” has the meaning assigned to that expression by section 43 of the Act;

“estate” has the meaning assigned to that expression by section 43 of the Act.

*References under Part I of the Act—Ascertainment of development value of land*

**D2.**—(1) A reference of a dispute arising under section 5 of the Act may be instituted by serving on the registrar a notice of reference in accordance with Form D together with a copy of the determination of the Department giving rise to the dispute and a copy of the notice of reference shall at the same time be sent to the Department.

(2) Upon receiving a copy of the notice of reference the Department shall forthwith send a copy thereof to any person appearing to it to be entitled to make a Part I application in relation to the land which is the subject of the reference together with a copy of the determination of the Department giving rise to the dispute and at the same time it shall furnish the registrar with the names and addresses of such persons.

*References under Part I of the Act—disputes as to amount*

**D3.** A reference under regulation 5 of the Land Development Values (Ascertainment and Certificates) Regulations (Northern Ireland) 1965<sup>(n)</sup> in relation to a dispute as to the amount (if any) of a development value determined by the Department may be instituted by serving on the registrar a notice of reference in Form D and within the time prescribed in the said regulation 5 together with a copy of the determination as confirmed or revised by the Department under regulation 4(4) of the said regulations. A copy of the notice of reference shall at the same time be sent to the Department.

Upon receiving a copy of the notice of reference the Department shall forthwith send to the registrar a copy of the Part I application on which the disputed determination arises and shall forthwith send a copy of the notice of reference to any applicant who has been served with a notice of determination in respect of the land affected by the dispute. The Department shall at the same time furnish the registrar with the names and addresses of such persons.

*References under Part II of the Act—objection to proposal for apportionment of development value*

**D4.** A reference under section 13(5) of the Act making an objection to a proposal for the apportionment of development value may be instituted by serving on the registrar a notice of reference in accordance with Form D within the time specified by the said section 13(5) together with a copy of the notice issued by the Department under section 13(4)(b) of the Act giving particulars of the proposed apportionment and a copy of the notice of objection served on it under section 13(4)(c) of the Act by the person making the reference. A copy of the notice of reference shall at the same time be sent to the Department.

Upon receiving a copy of the notice of reference the Department shall forthwith send a copy thereof to any other person who was served with a copy of the said notice of apportionment giving rise to the dispute and at the same time it shall furnish the registrar with the names and addresses of such persons.

*References under Part II of the Act—disputing findings or apportionment*

**D5.** A reference under regulation 6 of the Land Development Values (Compensation) Regulations (Northern Ireland) 1965<sup>(o)</sup> disputing any findings or apportionment on a claim for compensation under Part II of the Act may be instituted by serving on the registrar a notice of reference in accordance with Form D within the time prescribed in the said regulation 6. There shall be sent with the reference a copy of the claim and of the Department's findings giving rise to the dispute, or, where the dispute relates to an apportionment, a copy of the particulars of the said apportionment. A copy of the notice of reference shall at the same time be sent to the Department.

(n) S.R. & O. (N.I.) 1965 No. 284 (p. 1510).

(o) S.R. & O. (N.I.) 1965 No. 285 (p. 1516).

Upon receiving a copy of the notice of reference the Department shall forthwith send a copy thereof to any other person served with a notice of its findings and particulars of apportionment in respect of the claim giving rise to the dispute and at the same time it shall furnish the registrar with the names and addresses of such persons.

*References under Part II of the Act—refusal to issue certificate*

**D6.** A reference under section 24(16) of the Act against the refusal of the Department to issue a certificate under section 24(15) of the Act may be instituted by serving on the registrar a notice of reference in accordance with Form D together with a copy of the refusal giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Department.

Upon receiving a copy of the notice of reference the Department shall forthwith send to the registrar a copy of the relevant application made to the Department for a certificate under section 24(15) of the Act.

*References under Part III of the Act—disputing apportionment of compensation for depreciation*

**D7.** A reference under section 27(3) of the Act disputing an apportionment of compensation for depreciation payable under section 26 of the Act may be instituted by serving on the registrar a notice of reference in accordance with Form D together with a copy of the apportionment of compensation giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Department.

Upon receiving a copy of the notice of reference the Department shall forthwith send a copy thereof to any other person who was served with a notice of the said apportionment in accordance with section 27(1) of the Act and at the same time it shall furnish the registrar with the names and addresses of such persons.

*References under Part III of the Act—disputing proposal for determination of appropriate amount*

**D8.** A reference under regulation 8 of the Land Development Values (Compensation) Regulations (Northern Ireland) 1965 disputing the proposal for the determination of the appropriate amount under section 28 of the Act may be instituted by serving on the registrar a notice of reference in accordance with Form D within the time specified therein together with a copy of the notice of the proposed determination giving rise to the dispute and a copy of the notice of objection served on it by the person making the reference. A copy of the notice of reference shall at the same time be sent to the Department.

Upon receiving a copy of the notice of reference the Department shall forthwith send a copy thereof to any other person who was served with a notice of its proposed determination and at the same time it shall furnish the registrar with the names and addresses of such persons.

*References under Part III of the Act—compensation for certain planning decisions*

**D9.** A reference under section 29(4) of the Act of a dispute under section 29(3) of the Act may be instituted by serving on the registrar a notice of reference in accordance with Form D together with a copy of any decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Department.

*References under Part III of the Act—disputed compensation*

**D10.** A reference under section 31 of the Act of a dispute under Part III of the Act may be instituted by serving on the registrar a notice of reference in accordance with Form D together with a copy of any decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Department.

*References under Part IV of the Act—compensation subject to rentcharge or fee farm rent*

**D11.** A reference under any regulation made under section 32 of the Act of a dispute as to the payment of compensation where a compensatable estate to be compensated is subject to a rentcharge or fee farm rent may be instituted by serving on the registrar a notice of reference in accordance with Form D together with a copy of any order, notice, decision or determination giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Department.

Upon receiving a copy of the notice of reference the Department shall forthwith send a copy thereof to any other person upon whom the said order, notice, decision or determination giving rise to the dispute was served, and at the same time it shall furnish the registrar with the names and addresses of such persons.

*References under Part IV of the Act—other compensation*

**D12.** A reference under section 37(5) of the Act of a dispute arising under section 37(4) of the Act may be instituted by serving on the registrar a notice of reference in accordance with Form D together with a copy of the decision or determination giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Department.

Upon receiving a copy of the notice of reference the Department shall forthwith send to the registrar a copy of the relevant application under section 37(3) of the Act. The Department shall at the same time send a copy of the notice of reference to any other person who was served with a notice under section 37(1) of the Act in respect of the land to which the dispute relates, and shall furnish the registrar with the names and addresses of such persons.

*References under Part IV of the Act—carrying out of relevant development*

**D13.** A reference under section 38(7) of the Act of a dispute as to whether a person (not being a public body) entitled to a compensatable interest might reasonably carry out any relevant development may be instituted by serving on the registrar a notice of reference in accordance with Form D together with a copy of any decision or other act giving rise to the dispute. A copy of the notice of reference shall at the same time be sent to the Department.

Upon receiving a copy of the notice of reference the Department shall forthwith send a copy thereof to any other person entitled to an estate in the land appearing to it to be substantially affected by the reference and at the same time it shall furnish the registrar with the names and addresses of such persons.

*References under Part IV of the Act—damage to land*

**D14.** A reference under section 40(7) of the Act of a dispute as to compensation for damage to land may be instituted by serving on the registrar a notice of reference in accordance with Form D. A copy of the notice of reference shall at the same time be sent to the Department.

*Entry of Reference*

**D15.** Upon receiving a notice of reference, the registrar shall enter particulars of the reference in the register and shall inform the Department and the person making the reference of the number of the reference entered in the register, which shall thereafter constitute the title to the proceedings.

*Disputes—Appearance by interested persons*

**D16.** Any person who has been served with a copy of a notice of reference by the Department may, within 21 days after service of such copy, give written notice to the registrar of his intention to appear at the hearing stating—

- (a) the nature of his interest and the grounds on which he intends to rely;
- (b) whether he intends to appear separately or jointly; and
- (c) an address at which documents may be served upon him;

and shall thenceforward be a party to the reference.

The registrar shall, as soon as possible after receipt of a notice of intention to appear, serve on the Department and the person making the reference a copy of each such notice. The registrar shall at the same time supply all persons giving notice of intention to appear with a copy of any other notice of intention to appear and the title to the reference.

*Service of Notices*

**D17.** Any notice or other document required or authorised to be served on the Department may be sent or delivered by hand to the office for the time being of the Land Values Branch of the Department.

*Fees*

**D18.** A hearing fee shall not be payable under rule D2, D3 or D4 or under D5 where it relates only to a dispute as to an apportionment of compensation.

## PART VII

## PROCEEDINGS UNDER THE BUSINESS TENANCIES ACT (NORTHERN IRELAND) 1964

*The Business Tenancies Rules**Interpretation of this Part*

**E1.—(1)** “The Act” means the Business Tenancies Act (Northern Ireland) 1964(p).

(2) A reference in these rules to a person to or by whom a notice, application or other instrument is authorised or required to be sent shall include a reference to an agent of that person duly authorised in writing in that behalf.

(3) In relation to any proceedings under the Act, any reference in these rules to a landlord shall, if the estate of the landlord in question is subject to a mortgage and the mortgagee is in possession or a receiver is in receipt of the rents and profits, be deemed to be a reference to the mortgagee instead of that landlord.



*Notice of application under Part I of the Act*

**E2.**—(1) An application under section 8(1) of the Act for the grant of a new tenancy may be made by serving on the registrar a written application in accordance with Form EA together with the following documents:—

- (a) where an application arises from the service by the landlord of a notice to determine a tenancy under section 4 of the Act:—
  - (i) a copy of such notice to determine;
  - (ii) a copy of any notification served on the landlord in pursuance of section 4(6)(a) of the Act; and
  - (iii) a copy of any written consent given by the landlord under section 8(3) of the Act;
- (b) where the tenant has made a request for a new tenancy under section 5(3) of the Act:—
  - (i) a copy of such request;
  - (ii) a copy of any notice served on the tenant by the landlord under section 5(6) of the Act; and
  - (iii) a copy of any written consent given by the landlord under section 8(3) of the Act.

The tenant shall at the same time serve on the landlord a copy of such application.

(2) Where a declaration has been made pursuant to section 11(2) of the Act and the tenant requires that the Tribunal shall make an order under paragraph (b) of that subsection the tenant shall, within 14 days after the making of the declaration, give notice of his requirement to the registrar who shall thereupon make an order and serve a copy on every party to the proceedings.

(3) An application under section 17(2) of the Act for the revocation of an order made by the Tribunal for the grant of a new tenancy may be made by serving on the registrar a written application in accordance with form EB. The tenant shall at the same time serve a copy of such application on every party to the proceedings.

(4) An application under section 17(6) of the Act to execute or accept or join in executing or accepting a document may be made by serving a written application to that effect on the registrar. A copy of such application shall at the same time be served on the other party to the proceedings.

(5) An application under section 19(4) of the Act for a certificate of the grounds for refusing the grant of a new tenancy may be made ex parte by serving on the registrar a written application in accordance with form EC.

(6) An application under section 21(1) of the Act for the payment of compensation for damage or loss sustained may be made by serving on the registrar a written application in accordance with form ED. The tenant shall at the same time serve a copy of such application on every party to the proceedings.

*Applications under Part II of the Act*

**E3.**—(1) An application under section 33(3) of the Act for the determination of any matter in relation to the right to compensation under Part II of the Act or to the amount thereof may be made by serving on the registrar a written application in accordance with form EE together with a copy of the relevant claim for compensation. A copy of such application shall at the same time be served on the other party to the proceedings.

(2) An application under section 36(1) of the Act for an improvement order may be made by serving on the registrar a written application in accordance with form EF together with a copy of the relevant notice of improvement served under section 34(1) of the Act on the landlord, and a copy of any notice of objection served under section 34(2), (3) or (4) of the Act on the tenant by his landlord or any superior landlord. The tenant shall at the same time serve on his landlord and each such superior landlord a copy of such application.

(3) An application under section 37(d) or 37(e) of the Act to fix the amount of an increase in rent in a notice of undertaking may be made by serving on the registrar a written notice of application in accordance with form EF together with a copy of the said notice of undertaking. A copy of such application shall at the same time be served on the other party to the proceedings.

(4) An application under section 37(f) of the Act for the determination of a dispute as to the amount or commencement of or otherwise in relation to an increase in rent on completion of an improvement in accordance with a notice of undertaking may be instituted by serving on the registrar a written notice of application in accordance with form EF, together with a copy of the said notice of undertaking. A copy of such application shall at the same time be served on the other party to the proceedings.

(5) An application under section 37(g) of the Act in respect of the failure of a landlord to carry out an improvement in accordance with a notice of undertaking may be made by serving on the registrar a written application in accordance with form EF, together with a copy of the said notice of undertaking. The tenant shall at the same time serve on the landlord a copy of such application.

(6) An application under section 40(1) of the Act for an improvement certificate may be made by serving on the registrar a written application in accordance with form EF, together with a copy of the relevant notice of improvement. The tenant shall at the same time serve on the landlord a copy of such application.

(7) An application under section 40(2) of the Act to determine a dispute as to the expenses incurred by a landlord in giving his tenant an improvement certificate may be instituted by serving on the registrar a written application in accordance with form EF, together with the relevant certificate. A copy of such application shall at the same time be served on the other party to the proceedings.

#### *Applications under Part III of the Act*

**E4.** An application under section 48(1) of the Act for an order to determine a tenancy where the tenancy cannot be traced may be made by serving on the registrar a written application in accordance with form EG.

#### *Applications under Part I, II or III of the Act*

**E5.** Any application under the Act not expressly provided for in these rules may be made in the first place in writing to the registrar, and the Tribunal may give such directions in relation thereto as may be necessary.

#### *Entry of application*

**E6.** Upon receiving an application the registrar shall enter particulars thereof in the register and shall inform each of the parties to the proceedings of the number of the application entered in the register, which shall thereafter constitute the title of the proceedings.

*Service of notices on and appearances by interested persons under Part I of the Act*

**E7.**—(1) Where an application is made under section 8(1) of the Act and the applicant is not the immediate tenant of the landlord, as defined in Part I of the Act, the applicant shall serve a copy of his application on his immediate landlord, who, within 7 days of the receipt thereof, shall, if he is not the immediate tenant of the said landlord, serve a notice on his immediate superior landlord informing such landlord of the fact of the tenant's application, the name and address of the tenant, and in general terms the tenant's proposals for a new tenancy, and so on from landlord to landlord.

(2) Where an application is made under section 8(1) of the Act and the landlord is not the freeholder of the property to which the application relates, nor a tenant under a lease having more than 14 years unexpired at the date of the termination of the current tenancy under which the applicant holds, that landlord shall, within 7 days of the service of the application on him, serve a notice on his immediate superior landlord informing such landlord of the fact of the tenant's application, the name and address of the tenant, and in general terms the tenant's proposals for a new tenancy, and that landlord shall, if he does not satisfy the said conditions, serve a similar notice on his landlord and so on from landlord to landlord.

(3) When such a notice as is referred to in sub-paragraphs (1) and (2) is served by a landlord on his immediate superior landlord, that landlord shall at the same time inform the tenant of such service by notice served on the tenant who made the original application, containing the name and address of that superior landlord, and so far as known, the nature and duration of the estate of the said superior landlord.

(4) On receipt of such a notice the tenant shall, if he has not already done so, serve a copy of his application under section 8(1) of the Act on the superior landlord mentioned therein.

(5) Any landlord, other than the landlord as defined in Part I of the Act, having a reversionary estate which is likely to be affected by the grant of a reversionary tenancy and who has duly served the notices referred to in sub-paragraphs (1), (2) and (3) may give to the registrar, not later than 14 days before the hearing, written notice of his intention to appear at the hearing, stating the estate in the property concerned whereby he claims entitlement to be heard on the application and the grounds on which he intends to rely by virtue of section 14(4) of the Act.

(6) The registrar shall supply the parties to the proceedings, and each person giving notice of intention to appear and who satisfies the registrar that he is a person qualified to give such a notice, with a copy of any other notice of intention to appear.

(7) Each person who satisfies the registrar under the preceding sub-paragraph shall be a party to the proceedings.

(8) An applicant under section 8(1) of the Act shall not later than 3 days before the hearing send to the registrar a notice in writing stating the names of the persons upon whom he has served a copy of his application and the date of service in each case.

*Service of notices on and appearances by interested persons under Part II of the Act*

**E8.**—(1) Any person who claims to be entitled to be heard at the hearing of any application made under Section 36(1) of the Act may give to the registrar, not later than 14 days before the hearing, written notice of his intention to appear at the hearing, stating the estate in the property concerned whereby he claims entitlement to be heard on the application and the grounds on which he intends to rely.

(2) The registrar shall supply the parties to the proceedings, and each person giving notice of intention to appear and who satisfies the registrar that he is a person qualified to give such a notice, with a copy of any other notice of intention to appear.

(3) Each person who satisfies the registrar under the preceding sub-paragraph shall be a party to the proceedings.

*General power of notifying interested persons*

**E9.**—(1) The registrar shall have power to direct any party to the proceedings to serve notice of any application, or to serve any document upon any person whom the registrar considers may be affected by the proceedings and to join any such person as a party to the proceedings and to give him notice in writing that he has been so joined notwithstanding the circumstance that he has not applied to be joined in such proceedings.

(2) Any person so joined by the registrar under this rule may apply to the registrar, within 14 days from the date of the notice in writing given to him by the registrar under this rule, to have his name removed from the proceedings upon the ground that he has no interest or no sufficient interest in the proceedings to justify his appearance as a party therein.

*Fees*

**E10.** The fees specified in Schedule 2 shall be payable to the registrar in respect of the matters mentioned in the said Schedule in accordance with rule 40 of the General Rules.

PART VIII

REFERENCES AND APPLICATIONS UNDER MISCELLANEOUS  
STATUTORY PROVISIONS

*Application of Part VIII*

**F1.** This Part applies to a reference or application to the Tribunal—

(1) under section 216 of the Public Health (Ireland) Act 1878(q) for the determination of any matter authorised or directed by that Act to be settled by arbitration, other than a dispute as to compensation;

(2) under the Petroleum (Production) Act (Northern Ireland) 1964(r) with respect to the acquisition under section 3 of that Act of an ancillary right in connection with the exercise of rights under that Act, or with respect to compensation under sections 4 to 6 of that Act in the form of a share of royalties with respect to compensation under section 7 of that Act in relation to a petroleum well; or for an apportionment of a royalty or profit under section 11 of that Act;

(3) under section 39 of the Mineral Development Act (Northern Ireland) 1969(s) for an award prohibiting, restricting or terminating certain operations on land, or under section 40 of that Act for an award imposing prohibitions or restrictions on the working of minerals, or under subsection (3) of section 54 of that Act for the determination of the maximum amounts repayable under subsections (1) and (2) of that section;

(4) under the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971(t) regarding the acquisition by a lessee of the freehold interest in the land subject to his lease, or the extension of his lease or the redemption of his rent by a grantee of a fee farm rent, or any dispute within section 24 of that Act;

(5) under section 6 of the Planning and Land Compensation Act (Northern Ireland) 1971(u) for a declaration as to the validity of a blight notice, or for the leave of the Tribunal under section 13(2)(b) of that Act to apply for a certificate of alternative development;

(6) under paragraph 11 of Schedule 6 to the Local Government Act (Northern Ireland) 1972(v) for the determination of a question relating to the apportionment or redemption of any annuity under the Land Purchase Acts;

(7) under Article 73 of the Planning (Northern Ireland) Order 1972(w) for the determination by the Tribunal of the validity of objections to a purchase notice requiring a statutory authority or a public body to purchase the interest in land of a person serving such a notice and for a declaration as to the validity of the purchase notice;

(8) under Article 18 of the Land Acquisition and Compensation (Northern Ireland) Order 1973(x) for the determination of disputes other than disputes relating to claims for compensation;

(9) under Article 5 of the Drainage (Northern Ireland) Order 1973(y) for a review of a determination made by the Drainage Council;

(10) under any other statutory provision (whether passed or made before or after the coming into operation of these rules) for which no other provision has been made by rules under section 9 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 or section 21(1) of the Interpretation Act (Northern Ireland) 1954.

#### *Institution of proceedings*

**F2.** Proceedings under this Part shall be instituted by the applicant serving on the registrar a notice of reference in duplicate in accordance with Form F. Where no other period of time has been prescribed by statutory provisions the proceedings shall be instituted within 30 days from the date upon which the applicant first became entitled to refer the matter, question or dispute for the determination of the Tribunal or within such longer time as the registrar on an application under rule 7 of the General Rules, may allow.

(s) 1969 c. 35 (N.I.).

(t) 1971 c. 7 (N.I.).

(u) 1971 c. 23 (N.I.).

(v) 1972 c. 9 (N.I.).

(w) S.I. 1972/1634 (N.I. 17).

(x) S.I. 1973/1896 (N.I. 21).

(y) S.I. 1973/69 (N.I. 1).

*Entry of reference*

**F3.** If the registrar is satisfied that the particulars given in the notice of reference are sufficient to identify the subject matter referred and the relief sought he shall enter the matter in accordance with rule 5 of the General Rules, and shall send to every person appearing to him to have an interest in the matter, question or dispute a copy of the reference informing each such person that he may become a party to the proceedings by giving notice of his intention to appear and stating the particulars required by rule 6 of the General Rules.

*Statement of interest*

**F4.** Where a person is required by a statutory provision to have a particular qualifying interest before he is entitled to refer a matter for the determination of the Tribunal, or is entitled to be a party to proceedings before the Tribunal, his notice of reference or notice of intention to appear shall show that he has such qualifying interest.

*Fees*

**F5.** The hearing fee in respect of a dispute which does not wholly fall within item 9(a) or (b) of Schedule 2 shall be charged under item 9(c) and the Tribunal may direct payment of a separate hearing fee in respect of any issue in dispute and upon which it makes an award as to the assessment of a value for land or of a rent, royalty or annual payment or an apportionment of any such value, rent, royalty or annual payment and in determining the amount of any such separate hearing fee the Tribunal shall have regard to the fees payable under item 9(a) or (b).

Provided that no hearing fee shall be payable under Schedule 2 in respect of any appeal to the Tribunal under the Finance Act 1975, Schedule 4, paragraph 7(4).

*Entry fee exception*

**F6.** No entry fee shall be payable in respect of an appeal referred to in the proviso to rule F5.

Sealed with the Official Seal of the Department of Finance on  
4th May 1976.

(L.S.)

*G. I. Dent*  
Deputy Secretary

SCHEDULE 1

Part II  
Rule 4

FORM I

NOTICE OF REFERENCE UNDER THE GENERAL RULES

Claims for compensation and other claims and applications not within Parts III to VIII of the Lands Tribunal Rules (Northern Ireland) 1976

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster), Chichester Street,  
Belfast BT1 3JJ.

1. Name and address of person/s making the reference.
2. Statutory provision under which reference to the Lands Tribunal is made.
3. Where compensation is claimed:—
  - (i) nature of compensation claimed;
  - (ii) description of land, or other subject matter to which the reference relates;
  - (iii) interest of the claimant in such land or subject matter;
  - (iv) circumstances giving rise to the claim;
  - (v) if the land, or other subject matter has been acquired compulsorily name the acquiring authority and the date of the Vesting Order or Notice to Treat.
4. Where compensation is not claimed state:—
  - (i) the determination which is sought by the claimant;
  - (ii) the grounds to be relied upon;
  - (iii) the date upon which the person/s making the reference became entitled to refer the matter for determination by the Lands Tribunal.
5. Names and addresses of all persons known to have a proprietary interest in the land or other subject matter, or having an interest in the determination sought.
6. Whether the person/s making the reference proposes to call an expert witness on valuation or on any other issue.
7. All communications concerning this reference should be addressed to me/us at the address shown above (or to my/our Solicitor/Agent at )
8. Sufficient copies of this Notice of Reference are enclosed for service by the registrar pursuant to rules 4 and 5 of the General Rules on

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

Notes:—

1. Where the reference relates to the compensation payable on a compulsory acquisition of land and such land has been acquired other than by a vesting order a copy of the notice to treat (if such notice has been served) must be served on the registrar with this notice.

2. In any other case a copy of any order, direction, notice, decision, authorisation or other act giving rise to the reference must be served on the registrar with this notice.
3. Where the reference relates to an arbitration agreement under which the Tribunal is to act the written agreement as to such arbitration must be served on the registrar with this notice.



Part III  
Rule A1(1)

FORM AA.

LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964

Fee £2

Notice of appeal against the effective date  
of an alteration made in the valuation list

APPEAL  
TITLE

See note  
overleaf

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster)  
Chichester Street, Belfast BT1 3JJ

Before completing  
please read notes  
overleaf

District Council	Ward	Street/ Townland	Reference No.	Description	Net Annual Value	Rateable Value	Effective Date
					Old	Old	
					New	New	

2. I/We ..... of .....  
being aggrieved with the decision of the Department of Finance as set out in a  
Notice of Determination dated ..... give notice of appeal  
against the effective date of the alteration in the valuation list for the purpose of  
levying a rate on the above mentioned hereditament.

3. State whether owner or occupier .....

4. The grounds of appeal are that: .....

5. The alteration I/we seek is that the effective date should be: .....

6. The reasons for this are: .....

7. I/We intend to appear on the appeal separately/jointly with: .....

8. It is/is not/my/our intention to call a witness at the hearing of the appeal

9. I/We have sent a copy of this notice to the following persons whose liability  
to be rated may be affected by this appeal:—

(i) Name ..... Address .....

(ii) Name ..... Address .....

10. All communications regarding this appeal should be addressed to me/us at the address shown at 2 above [or to my/our Solicitor/Agent  
 ..... of .....]

Dated ..... Signed ..... Appellant or  
 known Agent

**THE FEE ON NOTICE OF APPEAL IS £2**

**THIS IS PAYABLE** (a) by means of a stamp impressed on the original Notice of Appeal to be given to the registrar and you may have this done at the Stamp Office, Law Courts Building, Chichester Street, Belfast BT1 3JH, *which facility is available until 31st March 1977 only*; (b) *Alternately* (and from 1st April 1977 in all cases) you may send to the registrar with your Notice of Appeal a remittance for the amount of fee in the form of a postal order or cheque, drawn to the order of the Lands Tribunal for Northern Ireland.

*Adhesive postage stamps must not be used either for attachment to the Notice of Appeal or as a remittance.*

- AT 1. Copy exactly the details of the hereditament from the schedule of the notice of determination.
- AT 2. Insert your name and postal address in full.
- AT 3. If neither Owner nor Occupier state capacity in which you appeal.
- AT 4. State briefly why you are aggrieved by the effective date contained in the notice of determination.
- AT 5. State what you consider the effective date should be.
- AT 6. Give your reasons.
- AT 9. See rule A4 of the Rating Rules of the Lands Tribunal Rules (Northern Ireland) 1976 (obtainable from H.M. Bookshop).

**GENERAL**

- (i) this original notice of appeal and a copy thereof should be sent to the registrar of the Lands Tribunal for Northern Ireland within 21 days from the date of issue by the Department of the notice of determination;
- (ii) at the same time a copy of the notice of appeal should be sent to the Department;
- (iii) a copy of the notice of appeal should be sent to each person whose name is entered at 9 overleaf;
- (iv) the time limits imposed by the rules for giving notice of appeal or for doing any act or taking any steps in connection with any proceedings may be extended on application to the registrar in accordance with the provisions of rule A2 of the Rating Rules of the Lands Tribunal Rules 1976;
- (v) any notice or other document required or authorised to be served in connection with the appeal should be sent by registered post or recorded delivery;
- (vi) any notice or other document required or authorised to be served on the registrar may be sent or delivered by hand to him at the office of the Lands Tribunal.

LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964

APPEAL TITLE
-----------------

£2  
Stamp to be  
impressed  
here

**Notice of appeal against a valuation for rating  
purposes**

Before completing please read notes overleaf
--

See note  
overleaf

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster)  
Chichester Street, Belfast BT1 3JJ

1. District ..... Ward ..... Townland .....  
Street

REFERENCE			Description of Hereditament	NET ANNUAL VALUE OF HEREDITAMENT OR PARTS THEREOF						
				Industrial F. Fishings	Freight-Transport 1 Canals 2 Docks 3 Railways £	Other than industrial etc. £	Total Non-Exempt N.A.V. £	EXEMPT		
Map No.	Local No.	V.O. No.	Foyle Fisheries £					Other than Foyle Fisheries £		

2. I/WE ..... of .....  
give notice of appeal against the decision of the Commissioner of Valuation on  
First Appeal in respect of the valuation of the above hereditament as contained

Review

in the

Certificate of Alteration

Dated ..... Issued under the Rates

Notice of Dismissal

(Northern Ireland) Order, 1972.

Certificate of Value

3. State whether owner or occupier .....

4. The grounds of appeal are that:

5. The alteration sought in the present valuation is:

6. The reasons for this are:—

I  
7. ——— intend to appear on the appeal separately/jointly with  
WE

.....  
8. IT IS my  
IT IS NOT our intention to call an expert witness at the hearing of the  
appeal.

9. A copy of this notice has today been sent to the District Council at:

.....  
and in accordance with rule A4 of the Rating Rules of the Lands Tribunal Rules  
(Northern Ireland) 1976 to the following person(s):

(i) Name ..... Address .....

(ii) Name ..... Address .....

10. All communications regarding this appeal should be addressed to me  
us

at the address shown at 2 above

or to my  
our Solicitor/Agent Mr. ....

of .....

Date ..... Signed .....

Appellant or known Agent.

THE FEE ON NOTICE OF APPEAL IS £2

Notes:

THIS IS PAYABLE (a) by means of a stamp impressed on the original Notice of  
Appeal to be given to the registrar and you may have this done at the Stamp  
Office, Law Courts Building, Chichester Street, Belfast BT1 3JH, which facility  
is available until 31st March 1977 only; (b) alternatively (and from 1st April 1977  
in all cases) you may send to the registrar with your Notice of Appeal a remit-  
tance for the amount of fee in the form of a postal order or cheque, drawn to  
the order of the Lands Tribunal for Northern Ireland.

*Adhesive postage stamps must not be used either for attachment to the Notice of Appeal or as a remittance*

AT 1. Copy exactly the administrative address reference number, description and valuation of the hereditament from—

- (i) The Certificate of Alteration
- (ii) The Notice of dismissal

containing the decision of the Commissioner of Valuation in respect of the entry against which you wish to appeal.

AT 2. (i) Insert your postal address in full.

- (ii) Delete the Certificate or Notice not applicable to your appeal so as to show whether your appeal is in respect of a Certificate of Alteration or a Notice of Dismissal.

AT 3. If neither Owner nor Occupier state capacity in which you appeal.

AT 4. Here state briefly why you are aggrieved by the entry contained in the Certificate or Notice. If insufficient space on the Form a separate sheet, securely attached, should be used.

AT 5. Here state what you consider the decision should be.

8. Where the appellant himself would normally be regarded as an expert witness on valuation, it would facilitate the hearing if a voluntary exchange of statements of case were made.

9. See rules A3 and A4 at the Rating Rules of the Lands Tribunal Rules (Northern Ireland) 1976 obtainable from H.M. Bookshop.

- (i) The original notice of appeal and a copy thereof should be sent to the registrar of the Lands Tribunal for Northern Ireland *within 21 days from the date of issue by the Commissioner of Valuation of his decision* in the appropriate Certificate or Notice to which this appeal relates.
- (ii) A copy should be sent to the District Council for the area in which the hereditament is situated.
- (iii) Where appropriate, a copy of the Notice of Appeal should also be sent to each person whose name is entered at 9 overleaf.

The time limits imposed by the Rules for giving notice of appeal or for doing any act or taking any steps in connection with any proceedings may be extended in exceptional circumstances, on application to the registrar in accordance with the provisions of rule A2 of the Rating Rules of the Lands Tribunal Rules.

Any notice or other document required or authorised to be served in connection with the appeal should be sent by registered post or recorded delivery.

Any notice or other document required or authorised to be served on the registrar may be sent or delivered by hand to him at the Office of the Lands Tribunal.

Part IV  
Rule B3

FORM B

NOTICE OF REFERENCE OF QUESTION FOR DETERMINATION OF LAND VALUE FOR  
CAPITAL GAINS OR CORPORATION TAX UNDER SECTION 47(1) OF THE TAXES  
MANAGEMENT ACT 1970

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster), Chichester Street  
Belfast BT1 3JJ

I/We \_\_\_\_\_ being an Inspector of Taxes or  
being the Court, General/Special Commissioners before whom an appeal in  
respect of Capital Gains/Corporation Tax is being heard hereby refer to the  
Lands Tribunal for its determination the question of which particulars are set  
out below

All communications regarding this reference should be addressed to me/us at  
the address shown below [or to my/our solicitor/agent] .....  
.....  
of .....

*Particulars*

1. The title and the nature of the proceedings in which the question for deter-  
mination by the Tribunal arises.
2. The parties to such proceedings, stating their respective addresses and the  
respective names and addresses of their solicitors or their agents.
3. The description and situation of the land to which the question for deter-  
mination relates.
4. The estate or interest in such land to be valued.
5. The question for determination.
6. Whether the question requires expert valuation evidence for its proper  
determination.

Signed :

Dated :

NOTE: A certified copy of any order or direction of the Court or of the General  
or Special Commissioners regarding the question referred shall be sent  
to the registrar with this notice.

NOTICE OF APPEAL UNDER FINANCE (1909-1910) ACT 1910

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster), Chichester Street  
Belfast BT1 3JJ

1. Name of applicant  
Address
2. Description of land to which appeal relates
3. Interest of the applicant in such land
4. Date of determination by Commissioners of Inland Revenue
5. The determination appealed against
6. The determination which is sought in this appeal
7. The grounds relied upon by the applicant
8. Whether the applicant proposes to call an expert witness on valuation at the hearing

All communications concerning this appeal should be addressed to me/us at the address shown above (or to my/our solicitor/agent ..... at .....)

Dated

Signed

NOTE: A copy of the document setting out the determination appealed against should accompany this notice of appeal.

Part VI

FORM D

NOTICE OF REFERENCE UNDER THE LAND DEVELOPMENT VALUES (COMPENSATION) ACT (NORTHERN IRELAND) 1965

To: The Registrar
Lands Tribunal for Northern Ireland
Royal Courts of Justice (Ulster), Chichester Street
Belfast BT1 3JJ

Description of land to which this reference relates

Here state usual address

I/We of being (a) person(s) claiming to be entitled to make an application for development value of the said land under Part I of the Act,

Strike out if not applicable

or being (a) person(s) entitled to an estate in the above land

or being (a) person(s) entitled to a compensatable estate in the above land hereby apply for the determination by the Lands Tribunal of the dispute or question of which particulars are set out below.

Strike out if not applicable

I/We do/do not propose to call an expert witness to give evidence. All communications regarding this reference should be addressed to me/us at the address shown above or to my/our Solicitor

of

A copy of this notice of reference has been sent to the Land Values Branch of the Department of the Environment for Northern Ireland.

Signed

Dated

PARTICULARS

Provision of Act or Regulations concerning the subject matter of the reference

Nature of dispute or question



*Notes**References under Part I of the Act*

A reference under rules D2 and D3 shall be accompanied by copies of the documents specified in such rules, and must be made within 3 months from the date of the notification by the Department of its confirmed or revised determination under regulation 4(4) of the Land Development Values (Ascertainment and Certificates) Regulations (Northern Ireland) 1965.

*References under Part II of the Act*

A reference under rules D4-D6 shall be accompanied by copies of the documents specified in the relevant rule.

A reference under rule D4 must be made within 30 days after the expiration of the initial 30-day period allowed for objections to the notice of apportionment served under section 13(4)(b) of the Act.

A reference under rule D5 must be made within 3 months from the date of the notice given by the Department containing the findings or apportionment disputed.

A reference under rule D6 shall be made as soon as practicable after the refusal giving rise to the dispute.

*References under Part III of the Act*

A reference under rules D7-D10 shall be accompanied by copies of the documents specified in the relevant rule.

A reference under rule D8 shall be made within 3 months of the date of the notice containing the statement disputed, and under D7, D9 and D10 as soon as practicable.

*References under Part IV of the Act*

A reference under rules D11-D14 shall be accompanied by copies of the documents specified in the relevant rule and shall be made as soon as practicable.

*Hearing fees*

No hearing fee is payable in respect of a reference under rules D2, D3, D4 or D5 (where rule D5 relates to a dispute as to an apportionment of compensation).

Part VII  
Rule E2(1)

FORM EA

APPLICATION UNDER SECTION 8(1) OF THE BUSINESS TENANCIES ACT  
(NORTHERN IRELAND) 1964

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster), Chichester Street  
Belfast BT1 3JJ

In the matter of business premises situate at

Here state  
usual  
address

I/We .....  
of .....

Strike out  
if not  
applicable

being the tenant of above premises, hereby apply for the grant of  
a new tenancy Particulars of my/our current tenancy are set out  
below [together with my/our proposals as to the period, rent and  
other terms of the new tenancy].

The name and address of the landlord on whom a copy of this  
application has been served is .....  
of .....

Strike out  
words not  
applicable

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

Signed .....

Dated .....

*Particulars of current tenancy*

Date of contract or agreement

Term granted

Rent reserved

Date and mode of termination of tenancy

Nature of business carried on by tenant

Net annual value of premises

Whether any, and if so what, part of the property comprised in the  
tenancy is occupied neither by the tenant, nor a person employed  
by the tenant for the purposes of the business carried on by the  
tenant in the premises.

*Proposals for new tenancy*

To be  
completed  
only where  
a notice to  
determine the  
tenancy has  
been served

Property to be comprised in the new tenancy (being either the  
whole or part of the property comprised in the current tenancy)

The rent to be payable

The duration of the new tenancy

Any other terms requested

*Notes*

This application shall be accompanied by the documents specified in rule E2(1)(a) or (b).

A copy of this application shall be served on any person having a reversionary estate which would be affected by the grant of a reversionary tenancy—see section 14(3) of the Act and rule E7(5).

Part VII  
Rule E2(3)

FORM EB

APPLICATION UNDER SECTION 17(2) OF THE BUSINESS TENANCIES ACT  
(NORTHERN IRELAND) 1964

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster), Chichester Street  
Belfast BT1 3JJ

In the matter of business premises situate at

Here state  
usual  
address

I/We .....  
of .....  
a tenant/s of the above premises, hereby apply for a revocation of  
the order made by the Lands Tribunal on .....

The number of the application constituting the title of the proceed-  
ings in respect of which the order was made is .....

The net annual value of the premises is .....

A copy of this application has been sent to the following persons  
at the addresses shown:—

of ..... (Landlord)

of

of

Strike out  
words not  
applicable

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

Signed .....

Dated .....

Rule E2(5)

FORM EC

APPLICATION UNDER SECTION 19(4) OF THE BUSINESS TENANCIES ACT (NORTHERN IRELAND) 1964

To: The Registrar
Lands Tribunal for Northern Ireland
Royal Courts of Justice (Ulster), Chichester Street
Belfast BT1 3JJ

In the matter of business premises situate at

Here state usual address

I/We of

State tenancy

being

hereby apply for a certificate that the Lands Tribunal is precluded in the circumstances mentioned in section 19(1) of the above-mentioned Act from making an order for the grant of a new tenancy by reason of grounds specified in paragraphs (e), (f) or (g) of section 10(1) of the Act and not of any grounds specified in any other paragraph of that subsection.

The new annual value of the premises is £

Strike out words not applicable

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

Signed

Dated

Part VII  
Rule E2(6)

FORM ED

APPLICATION UNDER SECTION 21(1) OF THE BUSINESS TENANCIES ACT  
(NORTHERN IRELAND) 1964

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster), Chichester Street  
Belfast BT1 3JJ

In the matter of business premises situate at

Here state  
usual  
address

I/We .....  
of .....  
being a tenant/s of the above premises, hereby apply for the pay-  
ment of compensation for damage or loss sustained by me/us as  
a result of the Tribunal refusing an order for the grant of a new  
tenancy.

Here insert  
grounds of  
application

The number of the application constituting the title of the pro-  
ceedings in which the order was refused is .....

The new annual value of the premises is £ .....

A copy of this application has been sent to the following persons  
at the addresses shown:

of .....  
(landlord)

of

of

Strike out  
words not  
applicable

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

Signed .....

Dated .....

Note: Any certificate granted under section 19(4) of the Act shall  
be sent to the registrar with this application

Part VII  
Rule E3(1)

FORM EE

APPLICATION UNDER SECTION 33(3) OF THE BUSINESS TENANCIES ACT  
(NORTHERN IRELAND) 1964

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster), Chichester Street  
Belfast BT1 3JJ

In the matter of business premises situate at

Here state  
usual  
address

I/We .....  
of .....

State capacity  
in which  
application is  
made

being ..... of the above premises hereby  
apply for the determination by the Lands Tribunal of the matter  
of which particulars are set out below.

Strike out  
words not  
applicable

I/We do/do not propose to call an expert witness.

The net annual value of the premises is £ .....

A copy of this application has been sent to the following person at  
the address shown .....

Strike out  
words not  
applicable

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

PARTICULARS

Name and address of landlord

Name and address of claimant

Date of contract or agreement for tenancy

Term granted

Rent reserved

Date and mode of termination of tenancy

If applicant has quitted holding state the date on which he so  
quitted

Particulars of improvement for which compensation is sought

Date of service of claim for compensation

Nature of question to be determined

Signed .....

Dated .....

Notes

A copy of the relevant notice of claim for compensation shall  
be sent to the registrar with this notice.

A landlord served with a copy of this application shall serve on  
his immediate landlord a copy of such application.

Part VII  
Rules E3(2) to (7)

FORM EF

APPLICATION UNDER SECTIONS 36, 37 OR 40 OF THE BUSINESS TENANCIES  
ACT (NORTHERN IRELAND) 1964

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster), Chichester Street  
Belfast BT1 3JJ

In the matter of business premises situate at

Here state  
usual  
address

I/We .....  
of .....  
being [the tenant] [the landlord] of the above premises hereby  
apply for:—

[an improvement order under section 36(1) or 37(g) of the Act]

or

[the determination, under paragraphs (d) or (e) of section 37 of the  
Act, of the amount of increased rent in the enclosed notice of  
undertaking]

or

[the determination under paragraph (f) of section 37 of the Act of  
the following question:—

or

[an improvement certificate under section 40(1) of the Act]

or

[the determination under section 40(2) of the Act of the expenses  
incurred by the landlord in furnishing an improvement certificate].  
The following are particulars of the current tenancy under which  
the premises are held:—

Date of contract or agreement

Names and address of parties to contract or agreement

of

of

Term granted

Rent reserved

Date and mode of termination of tenancy

Nature of business carried on by tenant

Net annual value of premises



A copy of this application has been sent to the following persons at the addresses shown :—

of

of

of

Strike out words not applicable

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

Signed .....

Dated .....

Notes

- 1. In the case of an application under section 36(1) of the Act a copy of the relevant notice of improvement and copies of any notices of objection shall be sent to the registrar with this notice.
2. In the case of an application under paragraph (d), (c), (f) or (g) of section 37 of the Act a copy of the relevant notice of undertaking shall be sent to the registrar with this notice.
3. In the case of an application under section 40(1) of the Act a copy of the relevant notice of improvement shall be sent to the registrar with this notice.
4. In the case of an application under section 40(2) of the Act a copy of the relevant certificate shall be sent to the registrar with this application.

Part VII  
Rule E4

FORM EG

APPLICATION UNDER SECTION 48(1) OF THE BUSINESS TENANCIES ACT  
(NORTHERN IRELAND) 1964

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster), Chichester Street  
Belfast BT1 3JJ

In the matter of business premises situate at

Here state  
usual  
address

I/We .....  
of .....  
the landlord of the above premises desiring to determine the  
tenancy on .....  
and being unable to communicate with the person last known to be  
the tenant thereof hereby apply for an order determining the  
tenancy.

The net annual value of the premises is £ .....

Strike out  
words not  
applicable

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

Signed .....

Dated .....

Part VIII  
Rule F2

FORM F

NOTICE OF REFERENCE PURSUANT TO A STATUTORY PROVISION WITHIN PART VIII

To: The Registrar  
Lands Tribunal for Northern Ireland  
Royal Courts of Justice (Ulster), Chichester Street  
Belfast BT1 3JJ

1. Name of person/s making application  
Address
2. Statutory provision under which reference to the Lands Tribunal is made
3. Description of land, or other subject matter to which the reference relates
4. Interest of the applicant/s in such land or subject matter, and the capacity in which the applicant makes this reference
5. The determination which is sought by the applicant/s.
6. Circumstances giving rise to the claim for a determination
7. Date on which applicant/s first became entitled to refer the matter for determination by the Lands Tribunal
8. Names and addresses of all persons known to have a proprietary interest in the land, or other subject matter, or having an interest in the determination sought
9. Whether the applicant/s (by whom this notice is given) proposes to call an expert witness on valuation or on any other issue
10. All communications concerning this reference should be addressed to me/us at the address shown above [or to my/our solicitor/agent
11. Copies of this notice of reference are enclosed for service by the registrar pursuant to rule 5 of the General Rules upon :—

Dated

Signed

Notes:

1. Where the claim is solely for compensation, whether in the form of a lump sum or of rent, royalty or annual payment, proceedings should be instituted by a notice of reference in accordance with Form 1 under the General Rules rule 4.

2. In every case where this form of notice is used a copy of any order, direction, notice, decision, authorisation or other act founding the reference must be sent to the registrar with the notice of reference and in claims in respect of planning blight copies of both the blight notice and any counter notice of objection should be sent with the notice of reference.

3. Where the reference is made in pursuance of an agreement to arbitrate the written agreement should accompany the notice.

4. As regards paragraph 4 the capacity in which the applicant makes the reference is intended to deal particularly with the case where the relevant statutory provision requires the applicant to be, for example, "a resident owner occupier" or "an owner occupier" of land of a particular description as in section 2 of the Planning and Land Compensation (Northern Ireland) Act 1971 or for example a person entitled to claim a home loss payment under Part IV of the Land Acquisition and Compensation (Northern Ireland) Order 1973 by reason of lawful occupation by virtue of a qualifying interest or right for a period of not less than five years ending with the displacement giving rise to the claim.

5. As regards paragraph 6 which requires a statement of the circumstances giving rise to the reference, only the circumstances necessary to bring the reference within the relevant statutory provision need be stated.

PART II  
Rule 40

## SCHEDULE 2

## FEES

<i>Item</i>	<i>Fees</i>
Notice of reference, appeal, or application .	
1. On a notice of reference under the General Rules including a reference by consent under rule 2(2)(c) . . . . .	£2.00
2. On a notice of appeal under Part III (The Rating Rules) . . . . .	£2.00
3. On a notice of reference under Part VI (The Land Development Value Rules) . . . . .	£2.00
4. On a notice of application under Part VII (The Business Tenancies Rules) . . . . .	£2.00
5. On a notice of reference under Part VIII (The Miscellaneous Statutory Provisions Rules) . . . . .	£2.00
6. On a notice of application for an interlocutory order under rule 12 or an order under rule 13 or for any other order . . . . .	£1.00
Hearing fees	
7. On the hearing of any interlocutory application under rules 12 and 13 or for any other order . . . . .	£1.00
8. On a hearing of a preliminary point of law under rule 15 . . . . .	£2.00
9. On a hearing:—	
(a) Where an award involves payment of a lump sum:—	
(i) not exceeding £1,000 . . . . .	£5.00
(ii) exceeding £1,000, then . . . . .	with £5 added for every £1,000 or part thereof but not exceeding £500
(b) where an award involves the payment of a rent or royalty or annual payment or apportionment thereof then for the first and every £200 or part thereof of such payment . . . . .	£1.00
(c) in any case where the award is not solely either for the payment of a lump sum or for the payment of a rent, royalty, annual payment or an apportionment thereof, then the Tribunal shall fix the hearing fee according to the subject matter of the claim, by having regard to the fees payable under Items 9(a) and (b) . . . . .	

<i>Item</i>	<i>Fees</i>
(d) on appeal against valuation under Part III	
(i) Rule A1(1) . . . . .	£3.00
(ii) Rule A1(2) or (3), for every £100 rateable value in the valuation appealed against . . . . .	£1.00 but not exceeding £500
(e) in any case where the claim fails the Tribunal shall fix the hearing fee having regard to the fee which would have been payable, if the claim had succeeded . . . . .	
Copies of documents	
10. (a) for a copy of any decision, or order or award of the Tribunal or any document or part thereof	
(i) not over A4 size per page . . . . .	10p
(ii) over A4 size per page . . . . .	20p
(b) for certifying a copy of a decision, or an order or an award . . . . .	£1.00
Miscellaneous fees	
11. In a case stated for decision of the Court of Appeal:—	
(i) on drawing case, if not drawn by the parties . . . . .	£5.00
(ii) attending the President, or the Tribunal to settle case drawn by the parties . . . . .	£5.00
Consent orders	
12. On registering a consent order . . . . .	£1.00
Costs	
13. (i) on taxation of a bill of costs for every £5.00 or fraction of £5.00 . . . . .	25p
(ii) on objection and application to the registrar to review a taxation . . . . .	£1.00
(iii) on application to the President to review a taxation . . . . .	£2.00

REVOCATIONS

The Lands Tribunal Rules (Northern Ireland) 1964 (S.R. & O. (N.I.) 1964 No. 201).

The Lands Tribunal (Business Tenancies) Rules (Northern Ireland) 1964 (S.R. & O. (N.I.) 1964 No. 212).

The Lands Tribunal (Compensation under Public Health Acts) Order (Northern Ireland) 1965 (S.R. & O. (N.I.) 1965 No. 138).

The Lands Tribunal (Land Development Values) Rules (Northern Ireland) 1966 (S.R. & O. (N.I.) 1966 No. 21).

The Lands Tribunal (Land Values for Capital Gains or Corporation Tax) Rules (Northern Ireland) 1974 (S.R. 1974 No. 159).

## EXPLANATORY NOTE

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

These Rules consolidate and amend existing Lands Tribunal Rules. Some of the new provisions are—

Rule 7: General powers are given to the Registrar to enlarge the time for the institution of proceedings, etc.

Rule 9: Documents, written and printed material to be used in evidence if so requested by the Registrar are to be listed for exchange between parties to prevent surprise and to enable details to be accurately stated and agreed before the hearing, as far as possible.

Rules 12(10) & 13: The Registrar is given power to award costs in interlocutory applications but not in applications before reference is entered in the register.

Rule 13: Provision is made for applications before the entry of proceedings in the register.

Rule 30: Interest on all monetary awards is extended.

Rule 38: The effect of failure to comply with rules and to use correct forms is reduced by giving power to regularise irregularities as early in the proceedings as possible.

Rule 39: The need to control undue delay in proceedings requires a power for the Registrar to request proposals for the completion of procedural steps and to list a case to enable the President to give appropriate directions.

Rule 40: To provide for the anticipated change in the collection of fees when impressed stamp facilities cease.

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1976 No. 147

As this Order has been classified as local it is not printed at length in this volume. A summary is given in the List of Statutory Rules of a Local Character under the heading LOCAL GOVERNMENT.