

Draft Order laid before Parliament under section 49(5) of the Tribunals, Courts and Enforcement Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

**TRIBUNALS AND INQUIRIES
JUDICIAL APPOINTMENTS AND DISCIPLINE**

**The Transfer of Tribunal Functions (Lands Tribunal
and Miscellaneous Amendments) Order 2009**

Made - - - - *****
Coming into force - - *1st June 2009*

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 30(1) and (4), 31(1), (2), (7) and (9), 38, 51(1) and 145 of the Tribunals, Courts and Enforcement Act 2007(1).

The Lord Chancellor has consulted the Lord Chief Justice of England and Wales and the Judicial Appointments Commission in accordance with section 51(9) of that Act, and the Administrative Justice and Tribunals Council in accordance with paragraph 24(1) of Schedule 7 to that Act.

A draft of this Order was laid before Parliament and approved by resolution of each House of Parliament in accordance with sections 49(5) and 51(14) of that Act.

Citation and commencement

1. This Order may be cited as the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 and comes into force on 1st June 2009.

Transfer of functions and abolition of the Lands Tribunal

- 2.—(1) The functions of the Lands Tribunal are transferred to the Upper Tribunal.
- (2) The Lands Tribunal is abolished.

(1) 2007 c.15. Section 51 is amended by section 208(1) of, and paragraph 162 of Schedule 21 to, the Legal Services Act 2007 (c.29) from a date to be appointed.

Transfer of persons into the Upper Tribunal

3. A person who, immediately before this Order comes into force, holds an office listed in column (1) of the following table is to hold the office or offices listed in the corresponding entry in column (2) of the table.

<i>(1) Office held</i>	<i>(2) Office to be held</i>
President of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949 (c.42)	Transferred-in judge of the Upper Tribunal
Other member of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949	Transferred-in other member of the Upper Tribunal

Transfer of Rules

4. The Lands Tribunal Rules 1996(2) have effect as if they were Tribunal Procedure Rules.

Consequential and transitional provisions

5.—(1) Schedules 1 to 3 contain amendments to legislation as a consequence of the transfers effected by this Order, by the Transfer of Tribunal Functions Order 2008(3) and by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009(4).

- (2) Schedule 1 contains amendments to primary legislation.
- (3) Schedule 2 contains amendments to secondary legislation.
- (4) Schedule 3 contains amendments to Church of England measures.
- (5) Schedule 4 contains repeals and revocations as a consequence of the amendments in Schedules 1 and 2.
- (6) Schedule 5 contains transitional and saving provisions.

Amendment of local and private Acts, and of Transport and Works Act Orders

6.—(1) Any reference to the Lands Tribunal in a local or private Act is to be read as a reference to the Upper Tribunal.

(2) Any reference to the Lands Tribunal in an order made under section 1 or 3 of the Transport and Works Act 1992(5) is to be read as a reference to the Upper Tribunal.

(3) In paragraphs (1) and (2), a reference to the Lands Tribunal does not include a reference to the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland.

(2) 1996/1022.
(3) S.I. 2008/2833.
(4) S.I. 2009/56.
(5) 1992 c. 42.

By the authority of the Lord Chancellor

Date

Name
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE 1

Article 5(1) and (2)

Consequential amendments to primary legislation

Railways Clauses Consolidation Act 1845

1. The Railways Clauses Consolidation Act 1845(6) is amended as follows.
2. In section 6 (the construction of the railway to be subject to the provisions of this Act and the Lands Clauses Consolidation Act) for “Lands Tribunal” substitute “Upper Tribunal”.
3. In section 78 (mines lying near the railway not to be worked if the company are willing to make compensation for them) for “Lands Tribunal” substitute “Upper Tribunal”.

Improvement of Land Act 1864

4. In section 73 of the Improvement of Land Act 1864(7) (power to enter on neighbouring lands for repair of works, making compensation) for “the Lands Tribunal or the Lands Tribunal for Scotland” substitute “the Upper Tribunal”.

Law of Property Act 1925

5. In section 84 of the Law of Property Act 1925(8) (power to discharge or modify restrictive covenants affecting land)—
 - (a) in subsections (1), (1A), (1B), (1C), (3), (6) and (9) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
 - (b) in subsection (3A)—
 - (i) for “Lands Tribunal”, in each place except in the reference to the Lands Tribunal Act 1949, substitute “Upper Tribunal”;
 - (ii) for “rules under the Lands Tribunal Act 1949” substitute “Tribunal Procedure Rules”; and
 - (iii) omit “or by means of a case stated by the Lands Tribunal.”

Requisitioned Land and War Works Act 1945

6. The Requisitioned Land and War Works Act 1945(9) is amended as follows.
7. In section 47 (compensation under section 2 of Compensation (Defence) Act 1939 for removal of fixed machinery or plant) for “General Claims Tribunal” substitute “appropriate tribunal”.
8. In section 48(1) (successive works to be dealt with as one) for “General Claims Tribunal” substitute “appropriate tribunal”.
9. In section 59(1) (interpretation etc.) insert in the appropriate place—

““the appropriate tribunal” means—

 - (a) in the application of this Act to England and Wales, the Upper Tribunal;

(6) 1845 c.20. Sections 6 and 78 were amended by section 39(3) of and Schedule 7 to the Compulsory Purchase Act 1965 (c.56).
 (7) 1864 c.114. Section 73 was amended by section 1 of, and Part 13 of Schedule 1 and paragraph 15 of Schedule 2 to, the Statute Law (Repeals) Act 1993 (c.50), and was repealed in relation to Scotland by section 76(2) and Part 1 of Schedule 13 to the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5).
 (8) 1925 c.20. Section 84 was amended by section 28(1) of and Schedule 3 to the Law of Property Act 1969 (c.59) and sections 133 and 135 of and paragraph 2(5) of Schedule 11 and Schedule 13 to the Land Registration Act 2002 (c.9).
 (9) 1945 c.43. The General Claims Tribunal was abolished and its jurisdiction transferred to the Lands Tribunal by section 22 of the Lands Powers (Defence) Act 1958 (c.30).

- (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;
- (c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland.”.

Lands Tribunal Act 1949

10. The Lands Tribunal Act 1949(10) is amended as follows.

11. In section 1 (establishment and jurisdiction of Lands Tribunal)—

- (a) for the heading substitute “Establishment of the Lands Tribunal for Scotland and jurisdiction”;
- (b) in subsection (1) for the words from “the following tribunals, namely” to the end substitute “a tribunal for Scotland, to be called “the Lands Tribunal for Scotland”.”;
- (c) omit subsection (2);
- (d) in subsection (3)—
 - (i) for “Lands Tribunal” substitute “Upper Tribunal or the Lands Tribunal for Scotland”;
 - and
 - (ii) in paragraph (c) after “Lands Clauses Consolidation Act 1845” insert “or section 109 of the Lands Clauses Consolidation (Scotland) Act 1845”;
- (e) in subsections (4) and (5) for “Lands Tribunal”, in each place, substitute “Upper Tribunal or the Lands Tribunal for Scotland”;
- (f) in subsection (6) for “as hereinafter mentioned from the members of the Lands Tribunal” substitute “by the Senior President of Tribunals from members of the Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors”;
- (g) after subsection (6) insert—

“(6A) Where any person is or may be liable for any compensation falling to be determined under section 57 or 97 of the Lands Clauses Consolidation (Scotland) Act 1845 (which sections relate to the procedure in default of a claimant), the surveyor referred to in those sections shall be selected from members of the Lands Tribunal for Scotland in accordance with the following provisions of this Act.”; and
- (h) omit subsection (8).

12. In section 2 (members, officers and expenses of Lands Tribunal)—

- (a) in the heading after “Lands Tribunal” insert “for Scotland”;
- (b) in subsection (1)—
 - (i) after “Lands Tribunal” insert “for Scotland”; and
 - (ii) for “Lord Chancellor” in each place substitute “Scottish Ministers”;
- (c) for subsection (2) substitute—

(10) 1949 c. 42. Section 2 was amended by section 50(1) of the [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c.35\)](#); section 36 of and Schedule 4 to the [Judicial Pensions Act 1981 \(c.20\)](#); section 71(2) of and paragraph 7 of Schedule 10 to the [Courts and Legal Services Act 1990 \(c.41\)](#); section 26 of and paragraph 31 of Schedule 6 to the [Judicial Pensions and Retirement Act 1993 \(c.8\)](#); section 125 of and paragraph 9 of Schedule 8 to the [Scotland Act 1998 \(c.46\)](#); sections 15(1), 59(5) and 146 of and paragraph 34 of Schedule 4, paragraph 5 of Schedule 11 and Part 2 of Schedule 18 to the [Constitutional Reform Act 2005 \(c.4\)](#); and section 50 of and paragraph 5 of Schedule 10 to the [Tribunals, Courts and Enforcement Act 2007 \(c.15\)](#). Section 3 was amended by section 50(2) of the [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c.35\)](#), and by section 18(1) of and Schedule 3 to the [Tribunals and Inquiries Act 1992 \(c.53\)](#) and subsection 6C was inserted by section 193 and paragraph 3 of Schedule 33 to the [Local Government, Planning and Land Act 1980 \(c.65\)](#).

“(2) The President shall be a person appearing to the Lord President of the Court of Session to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor.

(2A) Of the other members of the Lands Tribunal for Scotland—

(a) such number as the Lord President of the Court of Session may determine shall be persons appearing to the Lord President of the Court of Session to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor; and

(b) the others shall be persons who have had experience in the valuation of land, appointed after consultation with the chairman of the Scottish Branch of the Royal Institution of Chartered Surveyors.”;

(d) in subsection (3)—

(i) for “Lord Chief Justice of England and Wales may, after consulting the Lord Chancellor,” substitute “Scottish Ministers may”; and

(ii) after “Lands Tribunal” insert “for Scotland”;

(e) in subsection (4)—

(i) after “Lands Tribunal” insert “for Scotland”;

(ii) for “Lord Chancellor and the Lord Chief Justice of England and Wales”, in each place, substitute “Scottish Ministers”; and

(iii) for “he thinks” substitute “they think”;

(f) in subsection (5)—

(i) after “Lands Tribunal” in each place insert “for Scotland”; and

(ii) for “Lord Chancellor” substitute “Scottish Ministers”;

(g) in subsection (6)—

(i) after “Lands Tribunal” insert “for Scotland”; and

(ii) for “Lord Chancellor” substitute “Secretary of State”;

(h) in subsection (7)—

(i) for “Lord Chancellor” substitute “Scottish Ministers”;

(ii) after “Lands Tribunal” insert “for Scotland; and

(iii) for “as he may” substitute “as they may”; and

(i) omit subsections (8), (9) and (11).

13. In section 3 (procedure, appeals, costs and fees)—

(a) in the heading after “fees” insert “in the Lands Tribunal for Scotland”;

(b) in subsections (1), (2), (5), (6) and (10) after “Lands Tribunal”, in each place, insert “for Scotland”;

(c) omit subsections (4), (8), (11) and (12)(a) and (b);

(d) for subsection (6)(c) substitute—

“(c) make provision—

(i) requiring persons to attend to give evidence and produce documents;

(ii) authorising the administration of oaths to witnesses;

(iii) granting to any person such recovery of documents as might be granted by the Court of Sessions.”; and

(e) in subsection (6C) for “determine” substitute “determines”.

14. In section 4 (power to add to jurisdiction of Lands Tribunal)—

(a) in the title, for “Lands Tribunal” substitute “Upper Tribunal or Lands Tribunal for Scotland”;

(b) in subsection (1)—

(i) in the opening words, for “Lands Tribunal” substitute “Upper Tribunal or the Lands Tribunal for Scotland (“the transferee Tribunal”); and

(ii) in paragraphs (a) and (b) for “Lands Tribunal” substitute “transferee Tribunal”;

(c) after subsection (2) insert—

“(2A) An Order in Council under this section may authorise the transfer to the Upper Tribunal of the jurisdiction of any statutory tribunal exercisable in Northern Ireland unless it appears to Her Majesty that the jurisdiction relates exclusively to matters with respect to which the Northern Ireland Assembly has power to make laws.”;

(d) in subsection (4)—

(i) in paragraphs (a) and (c) for “Lands Tribunal” substitute “transferee Tribunal”; and

(ii) in paragraph (b) before “making special provision” insert “in relation to the Lands Tribunal for Scotland,”;

(e) after subsection (4) insert—

“(4A) The supplementary and consequential provisions authorised by subsection (3) to be contained in an Order in Council under this section by virtue of subsection (2A) shall include provisions for the application and adaptation of Northern Ireland legislation.”; and

(f) in subsection (5) after “Lands Tribunal” insert “for Scotland”.

15. In section 6(1) (compensation for loss of office) for “Lands Tribunal” substitute “Upper Tribunal or the Lands Tribunal for Scotland”.

16. In section 7(1) and (2) (savings, etc.) for “Lands Tribunal”, in each place, substitute “Upper Tribunal or the Lands Tribunal for Scotland”.

17. For section 9(1) to (3) (application to Northern Ireland) substitute—

“Except as mentioned in section 4, this Act does not affect the law of Northern Ireland.”.

Coast Protection Act 1949

18. In section 24 of the Coast Protection Act 1949(11) (provisions as to arbitrations)—

(a) in subsection (1) for “Lands Tribunal” substitute “appropriate tribunal”; and

(b) for subsection (4) substitute—

“(4) In subsection (1) “the appropriate tribunal” means—

(a) in the application of this Act to England and Wales, the Upper Tribunal;

(b) in the application of this Act to Scotland, the Lands Tribunal for Scotland.”.

National Parks and Access to the Countryside Act 1949

19. In section 107 of the National Parks and Access to the Countryside Act 1949(12) (supplementary provisions as to compensation under sections 20, 46, and 70)—

(11) 1949 c.74.

(12) 1949 c.97.

- (a) in subsections (2) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (6)(a) for “Lands Tribunal”, in the first place where it occurs, substitute “Upper Tribunal”.

Landlord and Tenant Act 1954

20. In section 37(5) and (5D)(c) of the Landlord and Tenant Act 1954(**13**) (compensation where order for new tenancy precluded on certain grounds) for “Lands Tribunal” substitute “Upper Tribunal”.

Underground Works (London) Act 1956

- 21.** The Underground Works (London) Act 1956(**14**) is amended as follows.
- 22.** In section 3(1)(b) (roads and streets) for “Lands Tribunal” substitute “Upper Tribunal”.
- 23.** In section 4(4) (drains and water-pipes) for “Lands Tribunal” substitute “Upper Tribunal”.

Land Powers (Defence) Act 1958

- 24.** The Land Powers (Defence) Act 1958(**15**) is amended as follows.
- 25.** In section 10(5) (prevention of obstruction of airfields) for “Lands Tribunal” substitute “appropriate tribunal”.
- 26.** In section 18(5) (compensation in respect of wayleave orders and restrictions under section 16) for “Lands Tribunal” substitute “appropriate tribunal”.
- 27.** Omit section 22 (abolition and transfer of jurisdiction of General Claims Tribunal).
- 28.** In section 25 (interpretation – general and in relation to Scotland and Northern Ireland)—
 - (a) in subsection (1) insert in the appropriate place—
 - ““the appropriate tribunal” means—
 - (a) in the application of this Act to England and Wales, the Upper Tribunal;
 - (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;
 - (c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland;”;
 - (b) omit subsection (2)(c); and
 - (c) omit subsection (3)(a).
- 29.** In paragraph 3 of Schedule 4 (supplementary provisions as to exercise of certain powers) for “Lands Tribunal” substitute “appropriate tribunal”.

Public Records Act 1958

- 30.** In paragraph 4(1) of Schedule 1 to the Public Records Act 1958(**16**) (definition of public records)—
 - (a) after paragraph (j) insert—
 - “(ja) records of the Upper Tribunal;”;

(13) [1954 c.56](#). Section 37(5D) was inserted by section 149 of and Schedule 7 to the Local Government and Housing Act [1989 \(c.42\)](#).

(14) [1956 c.59](#).

(15) [1958 c.30](#).

(16) [1958 c.51](#).

- (b) in paragraph (k) omit “the Lands Tribunal or of”.

Opencast Coal Act 1958

31. The Opencast Coal Act 1958⁽¹⁷⁾ is amended as follows.

32. In section 40(3) (claims for compensation payable by the Board) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

33. Omit section 52(4) (general application to Scotland).

34. In paragraph 1 of Schedule 3 (provisions as to compensation by way of payment of cost of works), in the definition of “the Tribunal” for “Lands Tribunal” substitute “Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

Rights of Light Act 1959

35. In section 2 of the Rights of Light Act 1959⁽¹⁸⁾ (registration of notice in lieu of obstruction of access of light)—

- (a) in subsection (3) for “Lands Tribunal” in each place substitute “Upper Tribunal”; and
(b) in subsection (5) for “shall be made by rules under section three of the Lands Tribunal Act 1949 for regulating proceedings before the Lands Tribunal” substitute “may be made by Tribunal Procedure Rules”.

Land Compensation Act 1961

36. The Land Compensation Act 1961⁽¹⁹⁾ is amended as follows.

37. In section 1 (tribunal for assessing compensation in respect of land compulsorily acquired)—

- (a) in the heading, for “Tribunal for assessing” substitute “Upper Tribunal to assess”; and
(b) for “Lands Tribunal” substitute “Upper Tribunal”.

38. Omit sections 2 (procedure on references under section 1) and 3 (consolidation of proceedings on claims).

39. In section 4 (costs)—

- (a) before subsection (1) insert—

“(A1) In any proceedings on a question referred to the Upper Tribunal under section 1 of this Act—

- (a) the following subsections apply in addition to section 29 of the Tribunals, Courts and Enforcement Act 2007⁽²⁰⁾ (costs or expenses) and provisions in Tribunal Procedure Rules relating to costs; and
(b) to the extent that the following subsections conflict with that section or those provisions, that section or those provisions do not apply.”;
(b) in subsections (1), (3), (4), and (5) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
(c) omit subsection (6).

⁽¹⁷⁾ 1958 c.69.

⁽¹⁸⁾ 1959 c.56.

⁽¹⁹⁾ 1961 c.33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c.65). Section 5A was inserted by section 103 of the Planning and Compulsory Purchase Act 2004 (c.5).

⁽²⁰⁾ 2007 c.15.

40. In section 5 (rules for assessing compensation), in rule (5) for “Lands Tribunal” substitute “Upper Tribunal”.

41. In section 5A(7) (relevant valuation date) for “Lands Tribunal” substitute “Upper Tribunal”.

42. In section 17(2) (certification of appropriate alternative development) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

43. In section 31(2), (3), (4) and (6) (withdrawal of notices to treat) for “Lands Tribunal” substitute “Upper Tribunal”.

44. In section 35 (certificates of value) for “Lands Tribunal” substitute “Upper Tribunal”.

Public Health Act 1961

45. In section 45(6) of the Public Health Act 1961(21) (attachment of street lamps to buildings) for “Lands Tribunal” substitute “Upper Tribunal”.

London County Council (General Powers) Act 1962

46. In section 24(2)(b) of the London County Council (General Powers) Act 1962(22) (as to payments by borough councils, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

Pipe-lines Act 1962

47. The Pipe-lines Act 1962(23) is amended as follows.

48. In section 48 (determination by Lands Tribunal of questions as to compensation)—

- (a) in the heading for “Lands Tribunal” substitute “tribunal”; and
- (b) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

49. Omit section 67(5) (general application to Scotland).

50. In paragraph 4(3) of Schedule 2 (applications for grant of compulsory purchase orders) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

51. In paragraph 3 of Schedule 3 (provisions for rendering compulsory purchase orders effectual, etc.) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

London County Council (General Powers) Act 1963

52. In section 9(8) of the London County Council (General Powers) Act 1963(24) (underpinning of houses near a street improvement) for “Lands Tribunal” substitute “Upper Tribunal”.

(21) 1961 c.64.

(22) 1962 c.45.

(23) 1962 c.58. Section 67(5) was amended by section 1(1) of and Part 13 of Schedule 1 to the Statute Law (Repeals) Act 1986 (c.12). Paragraph 4 of Schedule 2 was amended by article 2 of and paragraph 4(4)(b) of the Schedule to the Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007 (S.I. 2007/1519).

(24) 1963 c.17. Section 9(8) was amended by article 3 of and paragraph 106 of Schedule 1 to the Local Law (Greater London Council and Inner London Boroughs) Order 1965 (S.I. 1965/540).

Gas Act 1965

53. The Gas Act 1965(25) is amended as follows.

54. In section 10(3) and (4) (exclusion of double compensation), in each place, for “Lands Tribunal” substitute “appropriate tribunal”.

55. In section 23 (assessment of compensation)—

- (a) in subsections (1), (2) and (4) for “Lands Tribunal” substitute “appropriate tribunal”;
- (b) in subsection (2) for “sections 2 and 4” substitute “section 4”; and
- (c) in subsection (4) for “the Tribunal” substitute “the tribunal”.

56. In section 28 (interpretation of Part 2)—

- (a) in subsection (1), insert in the appropriate place—
 - ““the appropriate tribunal” means—
 - (a) in relation to England and Wales, the Upper Tribunal;
 - (b) in relation to Scotland, the Lands Tribunal for Scotland;”;
- (b) omit subsection (4).

57. In paragraphs 8(3) and 12(4) of Part 2 of Schedule 2 (storage authorisation orders) for “Lands Tribunal” substitute “appropriate tribunal”.

City of London (Various Powers) Act 1965

58. In section 6(9) of the City of London (Various Powers) Act 1965(26) (underpinning of houses near a street improvement) for “Lands Tribunal” substitute “Upper Tribunal”.

Compulsory Purchase Act 1965

59. The Compulsory Purchase Act 1965(27) is amended as follows.

60. In section 5(2A)(d) and (2D) (notice to treat and untraced owners) for “Lands Tribunal” substitute “Upper Tribunal”.

61. In section 6 (reference to Lands Tribunal) for “Lands Tribunal”, in each place (including the heading), substitute “Upper Tribunal”.

62. In section 8 (other provisions as to divided land)—

- (a) in subsection (1) for “so determine” substitute “so determines”;
- (b) in subsections (1) and (3) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
- (c) in subsection (3) for “their determination” substitute “its determination”.

63. In section 10(1) (further provision as to compensation for injurious affection) for “Lands Tribunal” substitute “Upper Tribunal”.

64. In section 11(3) (powers of entry) for “Lands Tribunal” substitute “Upper Tribunal”.

65. In section 15(1) (mortgage debt exceeding value of mortgaged land) for “Lands Tribunal” substitute “Upper Tribunal”.

(25) 1965 c.36.

(26) 1965 c.39.

(27) 1965 c.56. Section 5(2A) to (2E) was inserted by section 67 of the Planning and Compensation Act 1991 (c.34).

66. In section 16(1) (acquisition of part of land subject to mortgage) for “Lands Tribunal” substitute “Upper Tribunal”.

67. In section 17(2) (compensation where mortgage paid off before stipulated time) for “Lands Tribunal” substitute “Upper Tribunal”.

68. In section 18(1) and (2)(b) (rentcharges) for “Lands Tribunal” substitute “Upper Tribunal”.

69. In section 19(2) (apportionment of rent under leases) for “Lands Tribunal” substitute “Upper Tribunal”.

70. In section 20(3) (tenants at will etc) for “Lands Tribunal” substitute “Upper Tribunal”.

71. In paragraph 4(4) of Schedule 1 (valuation on purchase by agreement) for “by, or by a member of, the Lands Tribunal” substitute “by the Upper Tribunal”.

72. In Schedule 2 (absent and untraced owners)—

(a) in paragraph 1(1)(b) for “Lands Tribunal in accordance with section 3 of the Lands Tribunal Act 1949” substitute “Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors”; and

(b) in paragraph 4—

(i) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”;

(ii) in sub-paragraph (2) for “award a” substitute “awards a”;

(iii) in sub-paragraph (3) for “determine”, in both places, substitute “determines”; and

(iv) in sub-paragraph (3) for “section 3(5) of the Lands Tribunal Act 1949” substitute “section 29 of the Tribunals, Courts and Enforcement Act 2007”.

73. In Schedule 4 (common land)—

(a) in paragraph 5(4) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) in paragraph 6 for “Lands Tribunal in accordance with section 3 of the Lands Tribunal Act 1949” substitute “Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors”.

74. In Schedule 7 (consequential amendments of references to enactments), in the entry relating to the Railways Clauses Consolidation Act 1845, for “Lands Tribunal”, in both places, substitute “Upper Tribunal”.

Forestry Act 1967

75. The Forestry Act 1967(28) is amended as follows.

76. In section 5(2)(b) (forestry dedication covenants and agreements) for “Lands Tribunal” substitute “Upper Tribunal”.

77. In section 31(1)(a) (determination of matters arising under sections 11, 14, 21 and 22) for “Lands Tribunal” substitute “Upper Tribunal”.

Agriculture Act 1967

78.—(1) Section 49 of the Agriculture Act 1967(29) (control of sale of certain land) is amended as follows.

(2) In subsection (8)—

(28) 1967 c.10.

(29) 1967 c.22.

- (a) in paragraph (a) for “Lands Tribunal” substitute “appropriate tribunal”; and
- (b) for the words from “For the purposes of this subsection” to “has not expired.” substitute—
 - “For the purposes of paragraph (a) “appropriate tribunal” means—
 - (i) in relation to England and Wales, the Upper Tribunal;
 - (ii) in relation to Scotland, the Lands Tribunal for Scotland.”.
- (3) After subsection (8) insert—
 - “(8A) For the purposes of subsection (8)(a) a claim shall not be deemed to be fully determined so long as—
 - (a) in relation to a decision of the Upper Tribunal, the time for applying for permission to appeal to the Court of Appeal, or for applying for permission to appeal from the decision of the Court of Appeal on such an appeal, has not expired; or
 - (b) in relation to a decision of the Lands Tribunal for Scotland, the time for requiring the tribunal to state a case with respect thereto, or for appealing from any decision on the points raised by a case so stated, has not expired.”.
- (4) Omit subsection (12).

City of London (Various Powers) Act 1967

- 79.** The City of London (Various Powers) Act 1967(**30**) is amended as follows.
- 80.** In section 16(7) and (8) (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.
- 81.** In section 17(3) (acquisition of land, or rights in land, for city walkways) for “Lands Tribunal” substitute “Upper Tribunal”.

Leasehold Reform Act 1967

- 82.** The Leasehold Reform Act 1967(**31**) is amended as follows.
- 83.** In section 20(4)(b) and (4A) (jurisdiction and special powers of County Court) for “Lands Tribunal” in each place substitute “Upper Tribunal”.
- 84.** In section 21 (jurisdiction of Lands Tribunal) in the heading for “Lands Tribunal” substitute “leasehold valuation tribunals”.
- 85.** In section 31(2)(a) (ecclesiastical property) for “Lands Tribunal” substitute “Upper Tribunal”.
- 86.** In paragraph 8(1)(b) and (1A) of Schedule 2 (provisions supplementary to sections 17 and 18) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

Port of London Act 1968

- 87.** The Port of London Act 1968(**32**) is amended as follows.
- 88.** In section 75(6)(b) (lands above mean high water level) for “Lands Tribunal” substitute “Upper Tribunal”.

(30) [1967 c.42](#).

(31) [1967 c.88](#). Section 20(4A) was inserted by section 176 of and paragraphs 1 and 4 to Schedule 13 to the Commonhold and Leasehold Reform Act [2002 \(c.15\)](#). Paragraph 8(1A) of Schedule 2 was inserted by section 176 of and paragraphs 1 and 7 to Schedule 13 to the Commonhold and Leasehold Reform Act [2002 \(c.15\)](#).

(32) [1968 c.32](#).

89. In section 90(3) (entry on land to survey, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

Transport Act 1968

90. In section 115(1)(b) of the Transport Act 1968(**33**) (interpretation of Part 7) for “Lands Tribunal”, in the first place it occurs, substitute “Upper”.

Greater London Council (General Powers) Act 1969

91. The Greater London Council (General Powers) Act 1969(**34**) is amended as follows.

92. In section 21(7) and (8) (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

93. In section 22(6) (acquisition of land, or rights in land, for walkways) for “Lands Tribunal” substitute “Upper Tribunal”.

94. In section 25(7)(c), (d) and (e) (further provisions as to statutory undertakers) for “Lands Tribunal” substitute “Upper Tribunal”.

Taxes Management Act 1970

95. The Taxes Management Act 1970(**35**) is amended as follows.

96. In section 46D (questions to be determined by Lands Tribunal)—

(a) in the heading, for “Lands Tribunal” insert “the relevant tribunal”;

(b) in subsections (1) and (3) for “relevant Lands Tribunal” substitute “relevant tribunal”; and

(c) in subsection (3)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

97. In section 47B(a) (special jurisdiction relating to Business Expansion Scheme) for “Lands Tribunal” substitute “Upper Tribunal”.

Courts Act 1971

98. In Part 1A of Schedule 2 to the Courts Act 1971(**36**) (certain office-holders eligible for appointment as circuit judges) omit the entry for Member (excluding the President) of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949.

Thames Barrier and Flood Prevention Act 1972

99. In section 3(1) of the Thames Barrier and Flood Prevention Act 1972(**37**) (interpretation), in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”.

Criminal Justice Act 1972

100. In section 60(5) of the Criminal Justice Act 1972(**38**) (power of entry in connection with acquisition of land for prisons)—

(33) 1968 c.73.

(34) 1969 c.52. Section 21(8) was amended by section 11(2) of the Greater London Council (General Powers) Act 1970 and section 25 was substituted by section 10 of that Act.

(35) 1970 c.9. Section 46D was substituted by section 136 of and paragraphs 7 and 12 of Schedule 22 to the Finance Act 1996 (c.8), and amended by section 88(1) of and paragraph 29 of Schedule 29 to the Finance Act 2001 (c.9). Section 47B was inserted by section 40 of and paragraph 22 of Schedule 9 to the Finance Act 1986 (c.41).

(36) 1971 c.23. Part 1A of Schedule 2 was inserted by section 71(2) of, and paragraph 31 of Schedule 10 to, the Courts and Legal Services Act 1990 (c.41).

(37) 1972 c.45.

(38) 1972 c.71.

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Land Compensation Act 1973

101. The Land Compensation Act 1973(**39**) is amended as follows.

102. In section 3(5) (claims) for “Lands Tribunal in respect of the costs of proceedings before the Tribunal by virtue of section 16 below” substitute “Upper Tribunal in respect of the costs of and incidental to proceedings in the Upper Tribunal by virtue of section 29 of the Tribunals, Courts and Enforcement Act 2007”.

103. In section 16(1) (disputes) for “Lands Tribunal” substitute “Upper Tribunal”.

104. In section 30(3) (amount of home loss payment in England and Wales) for “Lands Tribunal” substitute “Upper Tribunal”.

105. In section 33A(4)(e) (basic loss payment) for “Lands Tribunal” substitute “Upper Tribunal”.

106. In section 33I(1) (payment) for “Lands Tribunal” substitute “Upper Tribunal”.

107. In section 38(4) (amount of disturbance payment) for “Lands Tribunal” substitute “Upper Tribunal”.

108. In section 52ZC(10)(c) (land subject to mortgage: supplementary) for “Lands Tribunal” substitute “Upper Tribunal”.

109. In section 54(1), (3) and (6)(b) (effect of counter-notice under section 53) for “Lands Tribunal” substitute “Upper Tribunal”.

110. In section 56(1) and (3)(d) (effect of counter-notice under section 55) for “Lands Tribunal” substitute “Upper Tribunal”.

111. In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition) for “Lands Tribunal” substitute “Upper Tribunal”.

112. In section 61(2) (notice to quit part of agricultural holding: right to claim notice of entry compensation for remainder of holding) for “Lands Tribunal” substitute “Upper Tribunal”.

Reservoirs Act 1975

113. In section 18(2) of the Reservoirs Act 1975(**40**) (compensation to third parties for damage or disturbance) for “Lands Tribunal or” substitute “Upper Tribunal or”.

House of Commons Disqualification Act 1975

114. In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975(**41**) (bodies of which all members are disqualified) omit the first entry for the Lands Tribunal.

(39) 1973 c.26. Section 81(1) of, and Part 1 of Schedule 2 to, the Land Compensation (Scotland) Act 1973 (c.56) ceased the application of the Act to Scotland, except for section 86 and Schedule 3, and made consequential amendments. Section 30 was substituted by section 68(3) of the Planning and Compensation Act 1991 (c.34). Section 33A was inserted by section 106(1) of the Planning and Compulsory Purchase Act 2004 (c.5), section 33I was inserted by section 109 of that Act and section 52ZC was inserted by section 104 of that Act.

(40) 1975 c.23.

(41) 1975 c.24.

Northern Ireland Assembly Disqualification Act 1975

115. In Part 2 of Schedule 1 of the Northern Ireland Assembly Disqualification Act 1975(42) (bodies of which all members are disqualified) omit the first entry for the Lands Tribunal.

Litigants in Person (Costs and Expenses) Act 1975

116. In section 1(1)(b) and (4)(a) of the Litigants in Person (Costs and Expenses) Act 1975(43) (costs or expenses recoverable) omit “the Lands Tribunal or”.

Welsh Development Agency Act 1975

117. In paragraph 15(4) of Part 4 of Schedule 4 to the Welsh Development Agency Act 1975(44) (rights of entry)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Local Government (Miscellaneous Provisions) Act 1976

118. The Local Government (Miscellaneous Provisions) Act 1976(45) is amended as follows.

119. In section 15(6) (power of local authorities to survey land which they propose to acquire compulsorily)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”;
- (b) for “sections 2(2) to (5) and” substitute “section”; and
- (c) for “relate to the conduct of certain proceedings before the Tribunal and” substitute “relates to”.

120. In section 24(5) (provisions supplementary to section 23)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”;
- (b) for “sections 2(2) to (5) and” substitute “section”; and
- (c) for “relate to the conduct of certain proceedings before the Tribunal and” substitute “relates to”.

121. In paragraph 7 of Part 2 of Schedule 1 (adaptation of enactments), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Rentcharges Act 1977

122. The Rentcharges Act 1977(46) is amended as follows.

123. In section 6(1) and (2) (appeal) for “Lands Tribunal” substitute “Upper Tribunal”.

124. In section 7(1)(b) (effect of apportionment order) for “Lands Tribunal” substitute “Upper Tribunal”.

(42) 1975 c.25.

(43) 1975 c.47. Section 1 was amended by section 40(4) and 59(5) of, paragraph 26 of Schedule 9 to and paragraph 22 of Schedule 11 to the Constitutional Reform Act 2005 (c.4), section 48(1) of and paragraph 6 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c.15), and article 2(1) and the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678).

(44) 1975 c.70. Schedule 4 was inserted by section 127 of and paragraph 3 of Schedule 13 to the Government of Wales Act 1998 (c.38).

(45) 1976 c.57.

(46) 1977 c.30.

125. In section 13(1) (interpretation), in the definition of “apportionment order” for “Lands Tribunal” substitute “Upper Tribunal”.

Ancient Monuments and Archaeological Areas Act 1979

126. The Ancient Monuments and Archaeological Areas Act 1979⁽⁴⁷⁾ is amended as follows.

127. In section 8(4) (recovery of compensation on subsequent grant of consent) for “Lands Tribunal or” substitute “Upper Tribunal or”.

128. In section 17(7) (agreement concerning ancient monuments and land in their vicinity) omit “of Lands Tribunal”.

129. In section 47 (general provisions with respect to claims for compensation)—

- (a) in subsection (2) for “Lands Tribunal or” substitute “Upper Tribunal or”; and
- (b) in subsection (3) for “sections 2 and” substitute “section”.

Local Government, Planning and Land Act 1980

130. The Local Government, Planning and Land Act 1980⁽⁴⁸⁾ is amended as follows.

131. In section 167 (power to survey land etc.)—

- (a) in subsection (9)—
 - (i) for “Lands Tribunal” substitute “Upper Tribunal”;
 - (ii) for “sections 2(2) to (5) and” substitute “section”; and
 - (iii) for “relate to the conduct of certain proceedings before the Tribunal and” substitute “relates to”; and
- (b) in subsection (13)—
 - (i) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”;
 - (ii) for “for “sections 2(2) to (5) and” substitute “section”; and
 - (iii) omit “(which make similar provision for Scotland)”.

132. In paragraph 23(2) of Part 4 of Schedule 28 (urban development corporations: land), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Highways Act 1980

133. The Highways Act 1980⁽⁴⁹⁾ is amended as follows.

134. In section 261(1), (2), (3), (4) and (5) (benefit to vendor to be taken into account in assessing compensation on certain compulsory acquisitions for highway purposes) for “Lands Tribunal” substitute “Upper Tribunal”.

135. In section 262(1)(b) and (2)(b) (assumptions to be made in assessing compensation on certain compulsory acquisitions of land for service stations etc and lorry areas for special roads) for “Lands Tribunal” substitute “Upper Tribunal”.

136. In section 271(3) (provisions with respect to transfer of toll highways to highway authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

⁽⁴⁷⁾ 1979 c.46. Section 17(7) was substituted by section 128(1) of, and paragraph 8 of Schedule 14 to, the Tithe Conditions (Scotland) Act 2003 (asp 9).

⁽⁴⁸⁾ 1980 c.65.

⁽⁴⁹⁾ 1980 c.66.

137. In section 307 (disputes as to compensation which are to be determined by Lands Tribunal and related provisions)—

- (a) in the heading and subsections (1), (2), (4), (5), (6) and (7) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (5)(b) for “their” substitute “its”.

138. In paragraph 7 of Part 2 of Schedule 19 (compulsory acquisition of rights – modification of 1965 Act), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsections (1) and (1A) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (1) for “so determine” substitute “so determines”.

Judicial Pensions Act 1981

139. The Judicial Pensions Act 1981(**50**) is amended as follows.

140. In section 10 (president or other member of either Lands Tribunal)—

- (a) in the heading, for “either Lands Tribunal” substitute “the Lands Tribunal for Scotland”;
- (b) in subsection (1)—
 - (i) omit “the Lands Tribunal, or”; and
 - (ii) for “appropriate minister” substitute “Secretary of State”; and
- (c) omit subsection (2).

141. In section 16 (application of Part 2 and interpretation), in the definition of “relevant service” in the entry for Member of Lands Tribunal or Lands Tribunal for Scotland—

- (a) in the first column omit “Lands Tribunal or”; and
- (b) in the second column for “either of those Tribunals” substitute “that Tribunal”.

New Towns Act 1981

142. The New Towns Act 1981(**51**) is amended as follows.

143. In paragraph 6 of Part 2 of Schedule 6 (modifications of enactments) for “Lands Tribunal” substitute “Upper Tribunal”.

144. In Schedule 7 (assessment of compensation to statutory undertakers)—

- (a) in paragraphs 1(3) and 3(1) and (2) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
- (b) in paragraph 3(2)—
 - (i) for “sections 2 and” substitute “section”;
 - (ii) for “apply as they apply” substitute “applies as it applies”; and
 - (iii) for “section 4 of that Act” substitute “that section”.

Compulsory Purchase (Vesting Declarations) Act 1981

145. The Compulsory Purchase (Vesting Declarations) Act 1981(**52**) is amended as follows.

146. In section 10(3) (acquiring authority’s liability arising on vesting of the land) for “Lands Tribunal” substitute “Upper Tribunal”.

(50) 1981 c.20. Section 10(1) was amended by section 118(2) of the Courts and Legal Services Act 1990 (c.41).

(51) 1981 c.64.

(52) 1981 c.66.

147. In section 11(4) (recovery of compensation overpaid) for the words from “Lands Tribunal” to the end substitute “Upper Tribunal.”

148. In paragraphs 4(1)(c), 8(1) and 9(1) and (2) of Part 1 of Schedule 1 (divided land; buildings and gardens etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

Acquisition of Land Act 1981

149. The Acquisition of Land Act 1981(**53**) is amended as follows.

150. In section 4(2) (assessment of compensation) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

151. In paragraph 3(4) of Part 3 of Schedule 2 (minerals) for “Lands Tribunal” substitute “Upper Tribunal”.

Civil Aviation Act 1982

152. The Civil Aviation Act 1982(**54**) is amended as follows.

153. In section 44(6) (power to obtain rights over land) for “Lands Tribunal” substitute “appropriate tribunal”.

154. In section 50(7) (power of entry for purposes of survey) for “Lands Tribunal” substitute “appropriate tribunal”.

155. In section 51(1) (special provisions for statutory undertakers) for “Lands Tribunal” substitute “appropriate tribunal”.

156. In section 105 (general interpretation)—

(a) in subsection (1)—

(i) omit the definition of “the Lands Tribunal”; and

(ii) in the appropriate place, insert—

““the appropriate tribunal” means—

(a) in the application of this Act to England and Wales, the Upper Tribunal;

(b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;

(c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland;” and

(b) omit subsection (5).

157. In paragraph 5 of Schedule 8 (provisions relating to orders under section 45) for “Lands Tribunal” substitute “appropriate tribunal”.

158. In paragraph 9 of Part 2 of Schedule 9 (provisions relating to directions under section 46) for “Lands Tribunal” substitute “appropriate tribunal”.

Aviation Security Act 1982

159. Schedule 1 to the Aviation Security Act 1982(**55**) (provisions relating to compensation) is amended as follows—

(a) in paragraph 7 for “Lands Tribunal” substitute “Upper Tribunal”; and

(53) 1981 c.67.

(54) 1982 c.16.

(55) 1982 c.36.

(b) in paragraphs 9(b) and 10(b) for “Lands Tribunal shall” substitute “Upper Tribunal shall”.

Mental Health Act 1983

160. The Mental Health Act 1983⁽⁵⁶⁾ is amended as follows.

161. In section 77(2) (general provisions concerning tribunal applications) after “in accordance with” insert “Tribunal Procedure Rules or”.

162. In Schedule 2 (Mental Health Review Tribunal for Wales), after paragraph 4 insert—

“**5.**—(1) A member of the First-tier Tribunal who is eligible to decide any matter in a case under this Act may, at the request of the President of the Mental Health Review Tribunal for Wales and with the approval of the Senior President of Tribunals, act as a member of the Mental Health Review Tribunal for Wales.

(2) Every person while acting under this paragraph may perform any of the functions of a member of the Mental Health Review Tribunal for Wales.

(3) Until section 38(7) of the Mental Health Act 2007 comes into force, the reference in sub-paragraph (1) to the President of the Mental Health Review Tribunal for Wales is to be read as a reference to the chairman of the tribunal.”.

National Heritage Act 1983

163. In section 36(10) of the National Heritage Act 1983⁽⁵⁷⁾ (records: power of entry)—

(a) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) for “sections 2(2) to (5) and” substitute “section”.

Telecommunications Act 1984

164. In paragraph 4 of Schedule 2 to the Telecommunications Act 1984⁽⁵⁸⁾ (the Telecommunications Code: effect of rights and compensation)—

(a) in sub-paragraph (6)—

(i) for “the Lands Tribunal” substitute “the appropriate tribunal”;

(ii) for “sections 2 and” substitute “section”; and

(iii) for “procedure and costs before the Lands Tribunal” substitute “costs”;

(b) in sub-paragraph (9) for “Lands Tribunal” substitute “appropriate tribunal”;

(c) after sub-paragraph (10) insert—

“(10A) In this paragraph “the appropriate tribunal” means—

(a) in the application of this Act to England and Wales, the Upper Tribunal;

(b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;

(c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland.”;

(d) in sub-paragraph (11)—

(i) in paragraph (a) omit “for any reference to the Lands Tribunal there is substituted a reference to the Lands Tribunal for Scotland and”; and

⁽⁵⁶⁾ 1983 c.20.

⁽⁵⁷⁾ 1983 c.47.

⁽⁵⁸⁾ 1984 c.12.

- (ii) in paragraph (b) for “sections 2 and” substitute “section”; and
- (e) in sub-paragraph (12)—
 - (i) omit paragraph (a); and
 - (ii) in paragraph (b) omit “2,”.

Road Traffic Regulation Act 1984

165. In paragraph 22(4) of Part 4 of Schedule 4 to the Road Traffic Regulation Act 1984(**59**) (control of off-street parking)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Cycle Tracks Act 1984

166. In section 5(3) of the Cycle Tracks Act 1984(**60**) (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

Inheritance Tax Act 1984

167. In section 222 of the Inheritance Tax Act 1984(**61**) (appeals against determinations)—

- (a) in subsection (4) omit “Lands Tribunal”;
- (b) in subsection (4A) omit “Lands Tribunal”;
- (c) in subsection (4B)—
 - (i) for “appropriate Lands tribunal” substitute “appropriate tribunal”; and
 - (ii) in paragraph (a) for “Lands Tribunal” substitute “Upper Tribunal”.

Mineral Workings Act 1985

168. The Mineral Workings Act 1985(**62**) is amended as follows.

169. In section 7(13) (power to enter former mining land etc.)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2(2) to (5) and” substitute “section”.

170. In section 8(11) (works on former mining land etc.) —

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2(2) to (5) and” substitute “section”.

Housing Act 1985

171. The Housing Act 1985(**63**) is amended as follows.

(59) 1984 c.27.

(60) 1984 c.38.

(61) 1984 c.51. Section 222(4B) was substituted by section 200 of the Finance Act 1993 (c.34) and amended by the Transfer of Tribunal Functions and Revenue and Customs Order 2009 (S.I. 2009/56).

(62) 1985 c.12.

(63) 1985 c.68. Section 269(6) was amended by section 48(1) and (2)(c) of the Housing Act 2004 (c.34). Section 584B was inserted by section 165 of, and paragraph 75 of Schedule 9 to, the Local Government and Housing Act 1989 (c.42) and substituted by section 265(1) of, and paragraphs 10 and 31 of Schedule 15 to, the 2004 Act. Paragraph 11(5B) of Schedule 5 was inserted by section 181 of the 2004 Act.

172. In section 269(6)(a) and (b) (right of appeal against order) for “Lands Tribunal” substitute “Upper Tribunal”.

173. In section 296(3) (apparatus of statutory undertakers) for “Lands Tribunal” substitute “Upper Tribunal”.

174. In section 550(2)(a) (compulsory purchase compensation to be made up to 95 per cent of defect-free value) for “Lands Tribunal” substitute “Upper Tribunal”.

175. In section 584B(6) (repayment on revocation of demolition or prohibition order)—

(a) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) for “section 2 and subsections (1)(a) and (4) to (6)” substitute “subsections (1)(a), (4) and (5)”.

176. In paragraph 11(5B) of Schedule 5 (exceptions to the right to buy) for “Lands Tribunal” substitute “Upper Tribunal”.

Landlord and Tenant Act 1985

177. In section 20C(1) and (2)(c) of the Landlord and Tenant Act 1985(**64**) (limitation of service charges: costs of proceedings) for “Lands Tribunal” substitute “Upper Tribunal”.

Greater London Council (General Powers) Act 1986

178. In section 4(11) of the Greater London Council (General Powers) Act 1986(**65**) (incorporation of certain banks, walls, etc. into flood defences) for “Lands Tribunal” substitute “Upper Tribunal”.

Gas Act 1986

179. In Schedule 3 to the Gas Act 1986(**66**) (acquisition of land by gas transporter)—

(a) in paragraph 8, in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

(i) in subsection (1) for “Lands Tribunal determine” substitute “Upper Tribunal determines”;

(ii) in subsection (1) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and

(iii) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) in paragraph 22 for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

Landlord and Tenant Act 1987

180. The Landlord and Tenant Act 1987(**67**) is amended as follows.

181. In section 12D(4) (nominated persons: supplementary provisions) for “Lands Tribunal” substitute “Upper Tribunal”.

(64) 1985 c.70. Section 20C was inserted by section 41 of and paragraph 4 of Schedule 2 to the Landlord and Tenant Act 1987 (c.31), and was substituted by section 83(4) of the Housing Act 1996 (c.52).

(65) 1986 c.4.

(66) 1986 c.44.

(67) 1987 c.31. Sections 12D and 14 were substituted by section 92(1) of and Part 2 of Schedule 6 to the Housing Act 1996 (c.52).

182. In section 14(4) (withdrawal of nominated person from transaction) for “Upper Tribunal” substitute “Lands Tribunal”.

183. In section 33(2)(a) (acquisition order where landlord cannot be found) for “President of the Lands Tribunal” substitute “Senior President of Tribunals”.

184. In section 34(4) (discharge of acquisition order and withdrawal by tenants) for “Lands Tribunal” substitute “Upper Tribunal”.

Channel Tunnel Act 1987

185. The Channel Tunnel Act 1987(**68**) is amended as follows.

186. In section 46 (determination of questions referred to arbitration) for “Lands Tribunal” substitute “Upper Tribunal”.

187. In Part 3 of Schedule 5 (supplementary provisions as to acquisition of land)—

- (a) in paragraphs 3(2) to (7) and 6(1) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 8(b), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965, in section 8(1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Local Government Finance Act 1988

188. In Schedule 11 to the Local Government Finance Act 1988(**69**) (tribunals)—

- (a) in paragraph 11(1)(b) and (2)(a) to (d) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 14—
 - (i) in paragraphs (c) to (e) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (ii) in paragraph (d) omit “, as to the time within which an appeal may be initiated, and”.

Housing Act 1988

189. In paragraph 22 of Part 3 of Schedule 10 to the Housing Act 1988(**70**) (housing action trusts: land), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Electricity Act 1989

190. The Electricity Act 1989(**71**) is amended as follows.

191. In paragraph 9 of Part 2 of Schedule 3 (compulsory acquisition of land etc. by licence holders), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and
- (b) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”.

192. In Schedule 4 (other powers etc. of licence holders)—

- (a) in paragraphs 7(4) and 11(3) for “sections 2 and 4” substitute “section 4”; and

(68) 1987 c.53.

(69) 1988 c.41.

(70) 1988 c.50.

(71) 1989 c.29.

- (b) in paragraph 12 in the definition of “the Tribunal” for “Lands Tribunal in” substitute “Upper Tribunal in”.

Town and Country Planning Act 1990

- 193.** The Town and Country Planning Act 1990(72) is amended as follows.
- 194.** In section 109(3)(a), (4) and (5) (apportionment of compensation for depreciation) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.
- 195.** In section 118 (determination of claims for compensation)—
- (a) in subsection (1) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (b) in subsection (2) for “sections 2 and” substitute “section”.
- 196.** In section 146(1), (4) and (8)(b) (effect of counter-notice under section 145) for “Lands Tribunal” substitute “Upper Tribunal”.
- 197.** In section 152(2)(b) (further counter-notices where certain proposals have come into force) for “Lands Tribunal” substitute “Upper Tribunal”.
- 198.** In section 153 (reference of objection to Lands Tribunal: general)—
- (a) in the heading and subsections (1) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (b) omit subsection (2).
- 199.** In section 154(1)(b), (3)(a), (4)(a) and (b) and (6)(b) (effect of valid blight notice) for “Lands Tribunal” substitute “Upper Tribunal”.
- 200.** In section 155(1)(a) and (b) and (3)(b) and (c) (effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire) for “Lands Tribunal” substitute “Upper Tribunal”.
- 201.** In section 156(1) (withdrawal of blight notice) for “Lands Tribunal” substitute “Upper Tribunal”.
- 202.** In section 159(3), (4) and (5) (objections to section 158 notices) for “Lands Tribunal” substitute “Upper Tribunal”.
- 203.** In section 160(2)(a) and (4)(a) (effect of notices served by virtue of section 158) for “Lands Tribunal” substitute “Upper Tribunal”.
- 204.** In section 163(2)(b)(i) (prohibition on service of simultaneous notices under sections 150, 161 and 162) for “Lands Tribunal” substitute “Upper Tribunal”.
- 205.** In section 166(1)(b) and (2) (saving for claimant’s right to sell whole hereditament, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.
- 206.** In section 186 (compensation for loss due to stop notice)—
- (a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (b) in subsection (7) for “sections 2 and” substitute “section”.
- 207.** In section 205 (determination of compensation claims)—
- (a) in subsection (1) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (b) in subsection (2) for “sections 2 and” substitute “section”.
- 208.** In section 223 (repayment of expense of removing prohibited advertisements)—
- (a) in subsection (2) for “Lands Tribunal” substitute “Upper Tribunal”; and

(72) 1990 c.8.

(b) in subsection (3) for “sections 2 and” substitute “section”.

209. In section 250 (compensation for orders under section 249)—

(a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) in subsection (7) for “sections 2 and” substitute “section”.

210. In section 280(4) and (5) (measure of compensation to statutory undertakers, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

211. In section 282 (procedure for assessing compensation)—

(a) in subsections (1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) in subsection (2)—

(i) for “sections 2 and” substitute “section”; and

(ii) for “section 4 of that Act” substitute “section 4”.

Planning (Listing Buildings and Conservation Areas) Act 1990

212. In section 31 of the Planning (Listing Buildings and Conservation Areas) Act 1990(73) (general provisions as to compensation for depreciation under Part 1)—

(a) in subsection (4) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) in subsection (5) for “sections 2 and” substitute “section”.

Aviation and Maritime Security Act 1990

213. In Schedule 2 to the Aviation and Maritime Security Act 1990(74) (provisions relating to compensation)—

(a) in paragraph 7 for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) in paragraphs 8(b) and 9(b) for “Lands Tribunal is” substitute “Upper Tribunal is”.

Courts and Legal Services Act 1990

214. In Schedule 11 to the Courts and Legal Services Act 1990(75) (judges etc. barred from legal practice) omit the entry for Member of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949.

Planning and Compensation Act 1991

215. In Part 2 of Schedule 18 to the Planning and Compensation Act 1991(76) (compensation provisions referred to in section 80) for the entry for rule 32 of the Lands Tribunal Rules 1996 substitute—

“Rule 32 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2009 (awards with interest by the Upper Tribunal).”.

Coal Mining Subsidence Act 1991

216. The Coal Mining Subsidence Act 1991(77) is amended as follows.

(73) 1990 c.9.

(74) 1990 c.31.

(75) 1990 c.41.

(76) 1991 c.34. Part 2 of Schedule 18 was amended by article 2(1) and (3) of the Planning and Compensation Act 1991 (Amendment of Schedule 18) Order 1999 (S.I. 1999/648).

(77) 1991 c.45.

217. In section 6(4) and (6) (schedule of remedial works) for “Lands Tribunal” substitute “appropriate tribunal”.

218. In section 40(1) (disputes: general) for “Lands Tribunal” substitute “appropriate tribunal”.

219. In section 52 (interpretation) omit the definition of “the Lands Tribunal” and insert in the appropriate place—

““the appropriate tribunal” means—

- (a) in relation to England and Wales, the Upper Tribunal;
- (b) in relation to Scotland, the Lands Tribunal for Scotland;”.

Water Industry Act 1991

220. The Water Industry Act 1991(78) is amended as follows.

221. In paragraph 11(3)(a) of Part 2 of Schedule 6 (supplemental provisions relating to right of entry) for “President of the Lands Tribunal” substitute “Upper Tribunal”.

222. In paragraph 4 of Schedule 9 (modification of compensation provisions etc. in relation to the creation of new rights), in the provisions substituted for subsection 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and
- (b) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”.

223. In paragraph 8(6) of Schedule 11 (orders conferring compulsory works powers)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

224. In paragraph 3(1) of Schedule 12 (compensation etc. in respect of pipe-laying and other works powers)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

225. In paragraph 2(4) of Schedule 14 (mineral rights) for “Lands Tribunal” substitute “Upper Tribunal”.

Child Support Act 1991

226.—(1) The amendment made by this paragraph does not have effect at any time after the commencement of paragraph 23 of Schedule 4 to the Northern Ireland Act 2009(79).

(2) In paragraph 4 of Schedule 4 to the Child Support Act 1991(80) (Child Support Commissioners for Northern Ireland)—

- (a) in sub-paragraph (1) for “First Minister and deputy First Minister, acting jointly,” substitute “Lord Chancellor”; and

(78) 1991 c.56.

(79) 2009 c. 3.

(80) 1991 c.48. In paragraph 4 of Schedule 4, sub-paragraph (2)(b) was amended by section 26 of, and paragraph 23(3) of Schedule 6 to, the Judicial Pensions and Retirement Act 1993 (c.8), and sub-paragraphs (1) and (2)(a) were amended by article 9(1) of, and paragraph 97(7)(a) and (d) of Schedule 3 to, the Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833).

- (b) in sub-paragraph (2)(b) for “First Minister and deputy First Minister think” substitute “Lord Chancellor thinks”.

Water Resources Act 1991

227. The Water Resources Act 1991(**81**) is amended as follows.

228. In section 61(5) (compensation where licence modified on direction of the Secretary of State)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
(b) for “sections 2 and” substitute “section”.

229. In section 62(5) (compensation for owner of fishing rights applying under section 55)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
(b) for “sections 2 and” substitute “section”.

230. In section 63(4)(b) (Secretary of State to indemnify Agency in certain cases) for “Lands Tribunal” substitute “Upper Tribunal”.

231. In paragraphs 3(2) and 4(2), (3) and (4) of Schedule 9 (compensation in respect of drought orders) for “Lands Tribunal” substitute “Upper Tribunal”.

232. In paragraph 4 of Schedule 18 (modification of compensation provisions etc. in relation to the creation of new rights), in the provisions substituted for subsection 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
(i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
(ii) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and
(b) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”.

233. In paragraph 8(6) of Schedule 19 (orders conferring compulsory works powers)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
(b) for “sections 2 and” substitute “section”.

234. In paragraph 6(3)(a) of Schedule 20 (supplemental provisions with respect to powers of entry) for “President of the Lands Tribunal” substitute “Upper Tribunal”.

235. In Schedule 21 (compensation etc. in respect of certain works powers)—

- (a) in paragraph 3(1)—
(i) for “Lands Tribunal” substitute “Upper Tribunal”; and
(ii) for “sections 2 and” substitute “section”; and
(b) in paragraph 5(2) for “Lands Tribunal” substitute “Upper Tribunal”.

236. In paragraph 2(4) of Schedule 23 (mineral rights) for “Lands Tribunal” substitute “Upper Tribunal”.

Land Drainage Act 1991

237. The Land Drainage Act 1991(**82**) is amended as follows.

(81) 1991 c.57.

(82) 1991 c.59.

238. In section 14(6) (general drainage powers of boards and local authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

239. In section 22(7) (powers of ministers to authorise landowners to carry out drainage works) for “Lands Tribunal” substitute “Upper Tribunal”.

240. In section 29(6) (effect of order under section 28) for “Lands Tribunal” substitute “Upper Tribunal”.

241. In section 46(6) (hearing and determination of appeals under section 45) for “Lands Tribunal” substitute “Upper Tribunal”.

242. In section 64(5) (powers of entry for internal drainage boards and local authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

Transport and Works Act 1992

243. In section 53(6) of the Transport and Works Act 1992(**83**) (rights to enter land) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

Tribunals and Inquiries Act 1992

244. The Tribunals and Inquiries Act 1992(**84**) is amended as follows.

245. In section 11(1) (appeals from certain tribunals) omit “, 44”.

246. In Part 1 of Schedule 1 (tribunals under direct supervision of council) omit the entry at paragraph 27 relating to the Lands Tribunal.

Judicial Pensions and Retirement Act 1993

247. The Judicial Pensions and Retirement Act 1993(**85**) is amended as follows.

248. In Part 2 of Schedule 1 (the offices which may be qualifying judicial offices – members of tribunals) in the entry for President or other member of the Lands Tribunal, the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland, omit “the Lands Tribunal,”.

249. In Schedule 5 (retirement provisions: the relevant offices) in the entry for President or other member of the Lands Tribunal, the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland, omit “the Lands Tribunal,”.

250. In Schedule 7 (retirement dates: transitional provisions) in paragraph 5(2)(b) and (5)(x) omit “of the Lands Tribunal, or”.

Cardiff Bay Barrage Act 1993

251. The Cardiff Bay Barrage Act 1993(**86**) is amended as follows.

252. In paragraph 13(2) of Schedule 2 (works: supplementary – compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

253. In paragraph 6(3) of Schedule 5 (temporary occupation and use of land) for “Lands Tribunal” substitute “Upper Tribunal”.

(83) 1992 c.42.

(84) 1992 c.53.

(85) 1993 c.8.

(86) 1993 c.42.

254. In paragraphs 16(4) and 27(2) of Schedule 7 (groundwater damage protection) for “Lands Tribunal” substitute “Upper Tribunal”.

Coal Industry Act 1994

255. The Coal Industry Act 1994⁽⁸⁷⁾ is amended as follows.

256. In section 47 (disputes etc. as to subsidence matters)—

- (a) in subsections (1), (2)(b), (4) and (9)(d) for “Lands Tribunal” substitute “appropriate tribunal”;
- (b) in subsection (4) for “that Tribunal” substitute “that tribunal”; and
- (c) in subsection (10) omit the definition of “the Lands Tribunal” and insert in the appropriate place—

““the appropriate tribunal” means—

- (a) in relation to England and Wales, the Upper Tribunal;
- (b) in relation to Scotland, the Lands Tribunal for Scotland; and”.

257. In section 59(2)(e) (information to be kept confidential by the Authority) for “Lands Tribunal or” substitute “Upper Tribunal or”.

258. In paragraph 4 of Schedule 1B (modification of compensation provisions etc. in relation to the creation of new rights), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and
- (b) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”.

259. In paragraph 6(5) and (6) of Part 1 of Schedule 7 (retained interests in copyhold land) for “Lands Tribunal” substitute “Upper Tribunal”.

British Waterways Act 1995

260. In section 2(1) of the British Waterways Act 1995⁽⁸⁸⁾ (interpretation)—

- (a) in the definition of “the specified provisions” for “sections 2(2) to (5) and” substitute “section”; and
- (b) in the definition of “the tribunal” for “Lands Tribunal or” substitute “Upper Tribunal or”.

Housing Act 1996

261. In Schedule 5 of the Housing Act 1996⁽⁸⁹⁾ (text of Part 2 of the Landlord and Tenant Act 1987, as amended) in section 24A(6) and (7) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

⁽⁸⁷⁾ 1994 c.21. Schedule 1B was inserted by section 85(2) of and Schedule 6 to the Water Act 2003 (c.37).

⁽⁸⁸⁾ 1995 c.1.

⁽⁸⁹⁾ 1996 c.52.

Channel Tunnel Rail Link Act 1996

262.—(1) Part 3 of Schedule 4 to the Channel Tunnel Rail Link Act 1996⁽⁹⁰⁾ (acquisition of land within limits shown on deposited plans) is amended as follows.

(2) In paragraph 9(3), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) in paragraph (b) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (ii) in paragraph (c)—
 - (aa) for “Lands Tribunal have” substitute “Upper Tribunal has”; and
 - (bb) for “them” substitute “the Upper Tribunal”;
- (b) in subsection (1B)(b) for “Lands Tribunal direct” substitute “Upper Tribunal directs”;
- (c) in subsection (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (d) in subsection (1D)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “them” substitute “the Upper Tribunal”.

(3) In paragraph 9(10), in the provision substituted for section 58 of the Land Compensation Act 1973, for “Lands Tribunal” substitute “Upper Tribunal”.

(4) In paragraph 11—

- (a) in sub-paragraph (5) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in sub-paragraphs (6) to (11) for “Lands Tribunal determine” substitute “Upper Tribunal determines”.

(5) In paragraph 12(1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”.

Government of Wales Act 1998

263. In paragraph 15(4) of Schedule 13 to the Government of Wales Act 1998⁽⁹¹⁾ (Welsh Development Agency: Land Provisions)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and 4” substitute “section 4”.

Regional Development Agencies Act 1998

264. In paragraph 4 of Part 2 of Schedule 5 to the Regional Development Agencies Act 1998⁽⁹²⁾ (acquisition of land), in the provisions substituted for sections 7 and 8 of the Compulsory Purchase Act 1965, in section 8(1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Postal Services Act 2000

265. The Postal Services Act 2000⁽⁹³⁾ is amended as follows.

266. In paragraph 8 of Part 2 of Schedule 5 (acquisition of land), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsections (1A) and (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and

⁽⁹⁰⁾ 1996 c.61.

⁽⁹¹⁾ 1998 c.38.

⁽⁹²⁾ 1998 c.45.

⁽⁹³⁾ 2000 c.26.

(b) in subsection (1B) for “Lands Tribunal make” substitute “Upper Tribunal makes”.

267. In paragraph 5(2) of Schedule 6 (further provisions relating to land)—

(a) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) for “sections 2 and” substitute “section”.

Fur Farming (Prohibition) Act 2000

268. In section 5(6) of the Fur Farming (Prohibition) Act 2000(**94**) (compensation for existing businesses) for “Lands Tribunal” substitute “Upper Tribunal”.

Commonhold and Leasehold Reform Act 2002

269. In section 175 of the Commonhold and Leasehold Reform Act 2002(**95**) (appeals)—

(a) in subsections (1), (2)(b), (4), (5) and (6) for “Lands Tribunal” in each place substitute “Upper Tribunal”; and

(b) omit subsections (3) and (10).

Finance Act 2003

270. In paragraph 45 of Part 7 of Schedule 10 to the Finance Act 2003(**96**) (appeals against Revenue decisions on tax: questions to be determined by the relevant Lands Tribunal)—

(a) in the heading and sub-paragraph (1) for “Lands Tribunal” substitute “tribunal”; and

(b) in sub-paragraph (2)—

(i) for “regulation “the relevant Lands Tribunal”” substitute “paragraph “the relevant tribunal””; and

(ii) in paragraph (a) for “Lands Tribunal” substitute “Upper Tribunal”.

Housing Act 2004

271. The Housing Act 2004(**97**) is amended as follows.

272. In section 42(4)(b)(i) and (ii) (recovery of expenses of taking emergency remedial action) for “Lands Tribunal” substitute “Upper Tribunal”.

273. In section 50(7)(a) (recovery of charge under section 49) for “Lands Tribunal” substitute “Upper Tribunal”.

274. In section 143(4)(a) and (b) (appeals against overcrowding notices) for “Lands Tribunal” substitute “Upper Tribunal”.

275. In section 181(3) (exceptions to the right to buy: determination whether exception for dwelling-house suitable for elderly persons applies), in the inserted paragraph (5B), for “Lands Tribunal” substitute “Upper Tribunal”.

276. In section 231 (appeals from residential property tribunals)—

(a) in subsections (1) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) for subsection (2) substitute—

(94) 2000 c.33.

(95) 2002 c.15.

(96) 2003 c. 14. Paragraph 45 was inserted by paragraph 393 of Schedule 1 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56).

(97) 2004 c.34.

“(2) But the appeal may only be made with the permission of the residential property tribunal or the Upper Tribunal.”; and

(c) omit subsection (5).

277. In section 255(7)(a) and (b) (HMO declarations) for “Lands Tribunal” substitute “Upper Tribunal”.

278. In paragraphs 19(2)(a) and (b) and 20(3)(a) and (b) of Part 3 of Schedule 1 (procedure and appeals relating to improvement notices) for “Lands Tribunal” substitute “Upper Tribunal”.

279. In paragraphs 14(2)(a) and (b) and 15(3)(a) and (b) of Part 3 of Schedule 2 (procedure and appeals relating to prohibition orders) for “Lands Tribunal” substitute “Upper Tribunal”.

280. In paragraph 11(6)(a) and (b) of Part 3 of Schedule 3 (improvement notices: enforcement action by local housing authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

281. In paragraph 35(3)(a) and (b) of Part 3 of Schedule 5 (licences under Parts 2 and 3: procedure and appeals) for “Lands Tribunal” substitute “Upper Tribunal”.

282. In paragraphs 27(3)(a) and (b) and 31(3)(a) and (b) of Part 3 of Schedule 6 (management orders: procedure and appeals) for “Lands Tribunal” substitute “Upper Tribunal”.

283. In paragraphs 29(3)(a) and (b) and 33(3)(a) and (b) of Part 4 of Schedule 7 (further provisions regarding empty dwelling management orders) for “Lands Tribunal” substitute “Upper Tribunal”.

Constitutional Reform Act 2005

284. The Constitutional Reform Act 2005(**98**) is amended as follows.

285. In Schedule 7 (protected functions of the Lord Chancellor) omit the entry relating to the Lands Tribunal Act 1949.

286. In Part 3 of Schedule 14 (appointments by the Lord Chancellor: offices to which paragraph 12(2)(d) of Schedule 12 applies) omit the entry relating to a President or Member of the Lands Tribunal.

London Olympic Games and Paralympic Games Act 2006

287. In section 4 of the London Olympic Games and Paralympic Games Act 2006(**99**) (general functions)—

(a) in subsection (5)(a) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) in subsection (6)(a) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

Criminal Justice and Immigration Act 2008

288. In section 135 of the Criminal Justice and Immigration Act 2008(**100**) (support: supplemental)—

(a) omit subsection (3); and

(b) in subsection (4) omit “other”.

(98) 2005 c.4.

(99) 2006 c.12.

(100) 2008 c.4.

Housing and Regeneration Act 2008

289. In paragraph 11 of Part 1 of Schedule 2 to the Housing and Regeneration Act 2008(101) (acquisition of land), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(b)(i) for “Lands Tribunal” substitute “Upper Tribunal”.

Crossrail Act 2008

290.—(1) Part 3 of Schedule 6 to the Crossrail Act 2008(102) (acquisition of land shown within limits on deposited plans) is amended as follows.

(2) In paragraph 7(3), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

(a) in subsection (1)—

(i) in paragraph (b) for “Lands Tribunal” substitute “Upper Tribunal”; and

(ii) in paragraph (c)—

(aa) for “Lands Tribunal have” substitute “Upper Tribunal has”; and

(bb) for “them” substitute “the Upper Tribunal”;

(b) in subsection (1B)(b) for “Lands Tribunal direct” substitute “Upper Tribunal directs”;

(c) in subsection (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and

(d) in subsection (1D)—

(i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and

(ii) for “them” substitute “the Upper Tribunal”.

(3) In paragraph 7(10), in the provision substituted for section 58 of the Land Compensation Act 1973, in subsection (1) for “Lands Tribunal” substitute “Upper Tribunal”.

(4) In paragraph 14(5) for “Lands Tribunal” substitute “Upper Tribunal”.

(5) In paragraph 15(1) to (6) for “Lands Tribunal determine” substitute “Upper Tribunal determines”.

(6) In paragraph 16(1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”.

Planning Act 2008

291. The Planning Act 2008(103) is amended as follows.

292. In section 53(8) (rights of entry) for “Lands Tribunal” substitute “Upper Tribunal”.

293. In section 152(4) (compensation in case where no right to claim in nuisance) for “Lands Tribunal” substitute “Upper Tribunal”.

294. In section 165 (rights of entry: supplementary provisions)—

(a) in subsection (5) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) in subsection (6) for “sections 2 and” substitute “section”.

295. In section 192(7) (tree preservation orders), in the provision to be inserted as section 202E(6) in the Town and Country Planning Act 1990, omit “the Lands Tribunal”.

296. In section 219 (compensation) —

(a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and

(101)2008 c.17.

(102)2008 c.18.

(103)2008 c.29.

(b) in subsection (7) for “sections 2 and” substitute “section”.

297. In paragraphs 6(6)(a) and 7(3)(d) of Schedule 6 (changes to, and revocation of, orders granting development consent) omit “the Lands Tribunal,”.

298. In Schedule 12 (application of Act to Scotland: modifications)—

(a) in paragraphs 7(b), 20(a) and 22(b) for “Lands Tribunal were” substitute “Upper Tribunal were”; and

(b) in paragraph 22(c) for “sections 2 and” substitute “section”.

SCHEDULE 2

Article 5(1) and (3)

Consequential amendments to secondary legislation

Lands Tribunal (Statutory Undertakers Compensation Jurisdiction) Order 1952

1. The Lands Tribunal (Statutory Undertakers Compensation Jurisdiction) Order 1952(**104**) is amended as follows.

2. In article 3 (transfer of jurisdiction) for “Lands Tribunal” substitute “Upper Tribunal”.

3. In article 8 (provision for variation) for “Rules made under the Lands Tribunal Act” substitute “Tribunal Procedure Rules”.

Landlord and Tenant (Determination of Rateable Value Procedure) Rules 1954

4. The Landlord and Tenant (Determination of Rateable Value Procedure) Rules 1954(**105**) are amended as follows.

5. In rule 8 for “Lands Tribunal” substitute “Upper Tribunal”.

6. In the Schedule (forms A and B), in the Schedule to Form B, for the words from “Lands Tribunal” to the end substitute “Upper Tribunal.”.

Government Oil Pipe-Lines Regulations 1959

7. In regulation 7(1) and (2) of the Government Oil Pipe-Lines Regulations 1959(**106**) (determination of disputes) for “Lands Tribunal” substitute “Upper Tribunal”.

Opencast Coal (Fees) Regulations 1960

8. In paragraph 1(a) of the Schedule to the Opencast Coal (Fees) Regulations 1960(**107**) for “Lands Tribunal” substitute “Upper Tribunal”.

Registers of Drainage Boards Regulations 1968

9. In regulation 13(4) of the Registers of Drainage Boards Regulations 1968(**108**) (appeals)—

(a) in sub-paragraphs (a) and (b) for “Lands Tribunal” substitute “Upper Tribunal”;

(104) S.I. 1952/161.

(105) S.I. 1954/1255.

(106) S.I. 1959/715.

(107) S.I. 1960/194.

(108) S.I. 1968/1672.

- (b) in sub-paragraph (b) for the words from “the Tribunal may be required” to the end substitute “an appeal may be brought against that decision to the Court of Appeal expires without any such appeal having been brought.”;
- (c) in sub-paragraph (c)—
 - (i) omit “in pursuance of such a requirement such a case is stated and signed and”; and
 - (ii) for “on that case” substitute “on that appeal”;
- (d) in sub-paragraph (e) omit “or case stated”; and
- (e) in sub-paragraph (f) omit “or for the opinion of which a case has been stated”.

Pensions Increase (Judicial Pensions) Regulations 1972

10. Omit paragraph 15 of the Schedule to the Pensions Increase (Judicial Pensions) Regulations 1972(**109**) (judicial pensions – tables of multipliers).

Pensions Increase (Judicial Pensions) Regulations 1974

11. Omit paragraph 5 of the Schedule to the Pensions Increase (Judicial Pensions) Regulations 1974(**110**) (judicial pensions to which the 1974 Act is to apply).

Town and Country Planning (Compensation and Certificates) Regulations 1974

12. The Town and Country Planning (Compensation and Certificates) Regulations 1974(**111**) are amended as follows.

13. In regulation 7 (claims for compensation under Part 7 of the Act - disputes)—

- (a) in paragraph (1) for “within 30 days of the issue of the Secretary of State’s findings, give notice in writing to the Lands Tribunal that he disputes the findings, or as the case may be, the apportionment, and thereupon the dispute shall be referred to the Tribunal” substitute “refer the dispute to the Upper Tribunal”;
- (b) in paragraph (2) for “give the notice referred to in” substitute “refer a dispute to the Upper Tribunal under”;
- (c) in paragraph (3) for the words from “shall, on compliance” to the end substitute “shall be entitled to be a party to any proceedings under this regulation in the Upper Tribunal.”; and
- (d) in paragraph (4)—
 - (i) for “Lands Tribunal” substitute “Upper Tribunal”;
 - (ii) omit “by their decision”; and
 - (iii) omit “, and shall notify the parties of their decision”.

14. In regulation 12 (claims by rentcharge owners – disputes)—

- (a) in paragraph (3) for the words from “, within thirty days” to the end substitute “refer the dispute to the Upper Tribunal.”;
- (b) in paragraph (4) for “notice of dispute has been given” substitute “dispute has been referred to the Upper Tribunal”;

(109) [S.I. 1972/71](#). The Schedule was amended by regulations 4 and 5 of and Schedules 1 and 2 to the Pensions Increase (Judicial Pensions) (Amendment) Regulations 1973 ([S.I. 1973/495](#)), and regulations 4 and 5 of and Schedules 1 and 2 to the Pensions Increase (Judicial Pensions) (Amendment) Regulations 1974 ([S.I. 1974/984](#)).

(110) [S.I. 1974/985](#).

(111) [S.I. 1974/1242](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 No. 1307

- (c) in paragraph (5) for “give a notice of dispute” substitute “refer a dispute to the Upper Tribunal”;
 - (d) in paragraph (6) for the words from “shall, on compliance” to the end substitute “shall be entitled to be a party to any proceedings under this regulation in the Upper Tribunal.”;
 - (e) in paragraph (7)—
 - (i) for “Lands Tribunal” in each place substitute “Upper Tribunal”;
 - (ii) omit “by their decision” in each place; and
 - (iii) omit “and shall notify the parties of their decision”; and
 - (f) in paragraph (8) for “Lands Tribunal vary” substitute “Upper Tribunal varies”.
- 15.** In regulation 15 (contributions by Secretary of State under Part 8 of the Act – disputes)—
- (a) in paragraph (1) for the words from “within 30 days” to “to the Lands Tribunal for determination” substitute “refer the dispute to the Upper Tribunal”;
 - (b) in paragraph (2) for the words from “shall be entitled” to the end substitute “shall be entitled to be a party to any proceedings under this regulation in the Upper Tribunal.”; and
 - (c) in paragraph (3)—
 - (i) for “Lands Tribunal” substitute “Upper Tribunal”;
 - (ii) omit “by their decision”; and
 - (iii) omit “, and shall notify the parties of their decision”.
- 16.** In paragraph 4(b)(ii) of Schedule 2 (provisions for determining rentcharge payments)—
- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (b) for “them” substitute “it”.

Land Charges Rules 1974

17. In rule 10(ii) of the Land Charges Rules 1974(**112**) for “Lands Tribunal” substitute “Upper Tribunal”.

Internal Drainage Boards (Acquisition of New Interests and Rights) Regulations 1977

18. In regulation 11 of the Internal Drainage Boards (Acquisition of New Interests and Rights) Regulations 1977(**113**), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965(**114**)—

- (a) in subsection (1)—
 - (i) for “Lands Tribunal determines” substitute “Upper Tribunal determines”; and
 - (ii) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and
- (b) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”.

Local Lands Charges Rules 1977

19. The Local Lands Charges Rules 1977(**115**) are amended as follows.

(112) S.I. 1974/1286.

(113) S.I. 1977/84.

(114) 1965 c. 56.

(115) S.I. 1977/985. Schedule 3 was substituted by rule 2 of and the Schedule to the Local Land Charges (Amendment) Rules 2003 (S.I. 2003/2502).

20. In rule 10(1) and (7) (light obstruction notices) for “Lands Tribunal” substitute “Upper Tribunal”.

21. In Part 11 of Schedule 2 (particulars of registration) for “Lands Tribunal” in each place substitute “Upper Tribunal”.

22. In item 2 in the table in Schedule 3 (fees) for “Lands Tribunal” substitute “Upper Tribunal”.

Control of Off-Street Parking (England and Wales) Order 1978

23. In paragraph 22(4) of the Schedule to the Control of Off-Street Parking (England and Wales) Order 1978(116) (right to compensation in certain circumstances)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Control of Off-Street Parking (England and Wales) (Metropolitan Districts) Order 1986

24. In paragraph 22(4) of the Schedule to the Control of Off-Street Parking (England and Wales) (Metropolitan Districts) Order 1986(117) (right to compensation in certain circumstances)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

Stamp Duty Reserve Tax Regulations 1986

25. In regulation 8 of the Stamp Duty Reserve Tax Regulations 1986(118) (appeals against determination)—

- (a) in paragraphs (4) and (4A) omit “Lands”;
- (b) in paragraph (4B)—
 - (i) for “appropriate Lands” substitute “appropriate”; and
 - (ii) in sub-paragraph (a) for “Lands Tribunal” substitute “Upper Tribunal”.

Court Funds Rules 1987

26. The Court Funds Rules 1987(119) are amended as follows.

27. In rule 2(2) (interpretation)—

- (a) in the definition of “Court” for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in the definition of “Order” for “under the seal of the Lands Tribunal” substitute “of the Upper Tribunal”.

28. In rule 7(3) (payment schedule) for “Lands Tribunal” substitute “Upper Tribunal”.

29. In rule 8(1) (preparation and amendment of schedules) for “Lands Tribunal” substitute “Upper Tribunal”.

(116) S.I. 1978/1535.

(117) S.I. 1986/225.

(118) S.I. 1986/1711. Regulation 8 was amended by regulation 3 of the Stamp Duty Reserve Tax (Amendment) Regulations 1993 (S.I. 1993/3110) and paragraph 14 of Schedule 2 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56).

(119) S.I. 1987/821.

Judicial Pensions (Preservation of Benefits) Order 1988

30. In Schedule 1 to the Judicial Pensions (Preservation of Benefits) Order 1988(**120**) (schemes) in the final paragraph omit “Member of the Lands Tribunal”.

Judicial Pensions (Requisite Benefits) Order 1988

31. In Schedule 1 to the Judicial Pensions (Requisite Benefits) Order 1988(**121**) (schemes) in the final paragraph omit “Member of the Lands Tribunal”.

Valuation and Community Charge Tribunals Regulations 1989

32. The Valuation and Community Charge Tribunals Regulations 1989(**122**) are amended as follows.

33. In regulation 31(1)(d) (community charge appeals - review of decisions) for “Lands Tribunal” substitute “Upper Tribunal”.

34. In regulation 49(5)(c) (council tax appeals - review of decisions) for “Lands Tribunal” substitute “Upper Tribunal”.

Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989

35. In regulation 3 to the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989(**123**) for “Lands Tribunal” substitute “Upper Tribunal”.

Housing (Prescribed Forms) (No.2) Regulations 1990

36. In the Schedule to the Housing (Prescribed Forms) (No.2) Regulations 1990(**124**), in Forms 13, 14, 20 and 21, in the Schedule to each form for “Lands Tribunal” substitute “Upper Tribunal”.

Non-Domestic Rating (Payment of Interest) Regulations 1990

37. In regulation 3(4) and (5)(b) of the Non-Domestic Rating (Payment of Interest) Regulations 1990(**125**) (entitlement to interest) for “Lands Tribunal” substitute “Upper Tribunal”.

Civil Aviation Act 1982 (Jersey) Order 1990

38. In paragraph 29(a)(i) of Schedule 1 to the Civil Aviation Act 1982 (Jersey) Order 1990(**126**) (extension of provisions of the Civil Aviation Act 1982 to the Bailiwick of Jersey)—

(a) after ““accounting year”,” insert ““the appropriate tribunal”,”; and

(b) omit ““the Lands Tribunal”,”.

Ancient Monuments (Claims for Compensation) (England) Regulations 1991

39. In the Schedule to the Ancient Monuments (Claims for Compensation) (England) Regulations 1991(**127**)—

(120) S.I. 1988/1418.

(121) S.I. 1988/1420.

(122) S.I. 1989/439. Regulations 31 and 49 were substituted by regulation 20 and 22 respectively of the Valuation and Community Charge Tribunals (Amendment) Regulations 1989 (S.I. 1993/292).

(123) S.I. 1989/1060.

(124) S.I. 1990/1730.

(125) S.I. 1990/1904.

(126) S.I. 1990/2145.

(127) S.I. 1991/2512.

- (a) in Part 1 (claim for compensation under sections 7, 9 or 46 of the Ancient Monuments and Archaeological Areas Act 1979) in footnote 7 for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in Part 2 (claim for compensation from the Historic Buildings and Monuments Commission for England for Damage Caused to Land or Chattels) in footnote 2 for “Lands Tribunal” substitute “Upper Tribunal”.

Civil Aviation Act 1982 (Guernsey) Order 1992

40. In paragraph 29(a)(i) of Schedule 1 to the Civil Aviation Act 1982 (Guernsey) Order 1992(**128**) (extension of provisions of the Civil Aviation Act 1982 to the Bailiwick of Guernsey)—

- (a) after ““accounting year”,” insert ““the appropriate tribunal”,”; and
- (b) omit ““the Lands Tribunal”,”.

Town and Country Planning General Regulations 1992

41. In Schedule 2 to the Town and Country Planning General Regulations 1992(**129**) in the form entitled “Town and Country Planning Act 1990: Counter-Notice objecting to Blight Notice”—

- (a) for “to the Lands Tribunal” substitute “to the Upper Tribunal”; and
- (b) for “the Registrar, The Lands Tribunal, 48/49 Chancery Lane, London WC2A 1JR” substitute “the Upper Tribunal”.

Non-Domestic Rating Contributions (England) Regulations 1992

42. In paragraph 4(6)(a) and (b) of Schedule 1 to the Non-Domestic Rating Contributions (England) Regulations 1992(**130**) (rules for the calculation of non-domestic rating contributions) for “Lands Tribunal” substitute “Upper Tribunal”.

Council Tax (Alteration of Lists and Appeals) Regulations 1993

43. In regulation 30(1)(c) of the Council Tax (Alteration of Lists and Appeals) Regulations 1993(**131**) (review of decisions) for “Lands Tribunal” substitute “Upper Tribunal”.

Channel Tunnel (Security) Order 1994

44. In Schedule 2 to the Channel Tunnel (Security) Order 1994(**132**) (provisions relating to compensation)—

- (a) in paragraph 7 for “Lands Tribunal” substitute “appropriate tribunal”;
- (b) after paragraph 7 insert—

“**7A.** In paragraph 7 “appropriate tribunal” means—

- (a) in the application of this Schedule to England and Wales, the Upper Tribunal;
- (b) in the application of this Schedule to Scotland, the Lands Tribunal for Scotland;
- (c) in the application of this Schedule to Northern Ireland, the Lands Tribunal for Northern Ireland.”; and

(128) S.I. 1992/230.

(129) S.I. 1992/1492.

(130) S.I. 1992/3082. Paragraph 4(6) was inserted by regulation 3(5) of the Non-Domestic Rating Contributions (England) (Amendment No.3) Regulations 1994 (S.I. 1994/3139).

(131) S.I. 1993/290.

(132) S.I. 1994/570.

(c) omit paragraphs 8(b) and 9(b) and the “and” immediately preceding each of them.

Conservation (Natural Habitats &c.) Regulations 1994

45. The Conservation (Natural Habitats &c.) Regulations 1994(133) are amended as follows.

46. In regulation 16(4) (management agreements) for “Lands Tribunal” substitute “Upper Tribunal”.

47. In regulation 59(3) (planning permission: supplementary provisions as to compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

48. In regulation 74(4) (consents under Electricity Act 1989: compensation for revocation or variation) for “Lands Tribunal, or” substitute “Upper Tribunal or (in the application of these Regulations to Scotland)”.

49. In regulation 78(4) (authorisations under the Pipe-lines Act 1962: compensation for revocation or variation) for “Lands Tribunal, or” substitute “Upper Tribunal or (in the application of these Regulations to Scotland)”.

50. In regulation 82(4) (orders under the Transport and Works Act 1992: compensation for revocation or variation) for “Lands Tribunal” substitute “Upper Tribunal”.

51. In regulation 92 (compensation: other supplementary provisions)—

(a) in paragraph (3) for “by the Lands Tribunal” substitute “by the Upper Tribunal”; and

(b) in paragraph (4) for “sections 2 and” substitute “section”.

52. In regulation 96(2) and (3) (compensation: England and Wales) for “Lands Tribunal” substitute “Upper Tribunal”.

Town and Country Planning (Minerals) Regulations 1995

53. In the Schedule to the Town and Country Planning (Minerals) Regulations 1995(134), in the entry for paragraph 2 in column (2), for “Lands Tribunal” substitute “Upper Tribunal”.

Goods Vehicles (Licensing of Operators) Regulations 1995

54. In Schedule 4 to the Goods Vehicles (Licensing of Operators) Regulations 1995(135) (inquiries) omit paragraph 2(5).

Lands Tribunal Rules 1996

55. The Lands Tribunal Rules 1996(136) are amended as follows.

56. For rule 1 (citation and commencement) substitute—

“Citation, commencement and application

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

(133) [S.I. 1994/2716](#). Regulation 92 was revoked in relation to Scotland by regulation 22(c) of the Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2004 ([S.S.I. 2004/475](#)).

(134) [S.I. 1995/2863](#).

(135) [S.I. 1995/2869](#).

(136) [S.I. 1996/1022](#). The Rules were amended by the Lands Tribunal (Amendment) Rules 1997 ([S.I. 1997/1965](#)), the Lands Tribunal (Amendment) Rules 1998 ([S.I. 1998/22](#)), the Lands Tribunal (Amendment) Rules 2003 ([S.I. 2003/2945](#)), article 2 of and paragraph 54 of Schedule 1 to the Lord Chancellor (Transfer of Functions and Supplementary Provisions) Order 2006 ([S.I. 2006/680](#)) and the Lands Tribunal (Amendment) Rules 2006 ([S.I. 2006/880](#)).

(2) These Rules apply to proceedings which have been assigned to the Lands Chamber of the Upper Tribunal by the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008(137).”.

57.—(1) Rule 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) in the definition of “appeal”—

(i) after ““appeal”” insert “, except in Part 9,”; and

(ii) omit “Lands”;

(b) after the definition of “authority” insert—

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

(a) under section 1 of the 1961 Act;

(b) under section 11(4) of the Compulsory Purchase (Vesting Declarations) Act 1981(138); or

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

(i) under section 16(7) of the City of London (Various Powers) Act 1967(139);

(ii) under section 307(1) of the Highways Act 1980(140); and

(iii) under regulation 96(2) of the Conservation (Natural Habitats, &c) Regulations 1994(141).”;

(c) omit the definitions of—

(i) “the office”; and

(ii) “the President”;

(d) in the definition of “proceedings” omit “Lands”;

(e) in the definition of “the registrar” for “an officer of the Lands Tribunal authorised by the Lord Chancellor, after consulting the Lord Chief Justice,” substitute “a member of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007(142) (tribunal staff and services) and authorised by the Senior President of Tribunals”; and

(f) for the definition of “the Tribunal” substitute—

““the Tribunal” means the Upper Tribunal;”.

(3) Omit paragraph (1A).

58. After rule 2 insert—

“Delegation to staff

2A.—(1) Staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 (tribunal staff and services) may, with the approval of the Senior President of

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

(138) 1981 c. 66.

(139) 1967 c. 42.

(140) 1980 c. 66.

(141) S.I. 1994/2716.

(142) 2007 c.15.

Tribunals, carry out functions of a judicial nature permitted or required to be done by the Tribunal.

(2) The approval referred to at paragraph (1) may apply generally to the carrying out of specified functions by members of staff of a specified description in specified circumstances.

(3) Within 14 days after the date on which the Tribunal sends notice of a decision made by a member of staff under paragraph (1) to a party, that party may apply in writing to the Tribunal for that decision to be considered afresh by a judge.”

59. Omit rule 3 (selection and powers of members of the tribunal).

60. In rule 5 (hearings to be held in public: exceptions)—

- (a) for the heading substitute “Public and private hearings”;
- (b) in paragraph (1) for “All” substitute “Subject to paragraph (1A), all”;
- (c) after paragraph (1) insert—

“(1A) Any hearing in proceedings on a compulsory purchase compensation reference shall be in public.”

- (d) for paragraph (2) substitute—

“(2) A judge or other member of the Tribunal shall be entitled to attend a hearing whether or not it is in private, notwithstanding that they do not constitute the Tribunal for the purpose of the hearing.”

61. In rule 5A (application of Part 2A) omit “Lands”.

62. In rule 5B(A) and (1) (interpretation) for “first-tier tribunal” substitute “first instance tribunal”.

63. In rule 5C (application for permission to appeal)—

- (a) in paragraphs (1), (2), (4)(c) and (5) omit “Lands”; and
- (b) in paragraphs (1), (2) and (4)(b) for “first-tier” substitute “first instance”.

64. In rule 6 (notice of appeal)—

- (a) in paragraph (1) omit “Lands”;
- (b) after paragraph (1) insert—

“(1ZA) In an appeal under regulation 37(1) of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005(**143**) or regulation 37(1) of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005(**144**), for the purposes of paragraph (1) of this rule the date on which the disputed decision was sent includes—

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

- (c) in paragraph (1B)(b) for “first-tier” substitute “first instance”; and

(143) S.I. 2005/659.

(144) S.I. 2005/758.

- (d) in paragraph (5) omit “Lands”.
- 65.** In rule 9 (application of Part 4) omit “Lands”.
- 66.** In rule 10 (notice of reference)—
- (a) in paragraph (4)(b) omit “Lands”; and
- (b) after paragraph (5) add—
- “**(6)** In a reference under section 153(1) of the Town and Country Planning Act 1990(**145**), the notice of reference must be given to the Tribunal within two months of the date of service of the counter-notice.
- “**(7)** In a reference under regulation 7(1) or 12(3) of the Town and Country Planning (Compensation and Certificates) Regulations 1974(**146**), the notice of reference must be given to the Tribunal within 30 days of the issue of notice of the decision or findings to which the dispute relates.
- “**(8)** In a reference under regulation 15(1) of the Town and Country Planning (Compensation and Certificates) Regulations 1974—
- (a) the notice of reference must be given to the Tribunal within 30 days of the Secretary of State’s determination; and
- (b) the notice of reference must specify whether the objection is on ground (a) or ground (b) as set out in regulation 14(4) of those Regulations.”.
- 67.** In rule 16 (suspension of proceedings)—
- (a) omit “the President or”;
- (b) in paragraph (a) omit “his or”; and
- (c) omit “he or”.
- 68.** In rule 17 (order without hearing, etc.)—
- (a) in paragraph (1)—
- (i) for “President” substitute “Tribunal”;
- (ii) for “he” substitute “the Tribunal”; and
- (iii) for “his” substitute “its”; and
- (b) in paragraph (2) for “President” substitute “Tribunal”.
- 69.** In rule 19 (enquiries of local authorities)—
- (a) for “the President or the Tribunal consider” substitute “the Tribunal considers”; and
- (b) for “they” substitute “the Tribunal”.
- 70.** In rule 21(1) (form of application under section 2 of the Rights of Light Act 1959) omit “Lands”.
- 71.** In rule 26(f) (application of the Arbitration Act 1996) omit “Lands”.
- 72.** In rule 26A (application of the Arbitration Act 1996) omit “Lands” in both places.
- 73.** In rule 28 (simplified procedure)—
- (a) in paragraph (1) for “A member” substitute “The Tribunal”; and
- (b) for paragraph (9) substitute—

(145) 1990 c. 8.

(146) S.I. 1974/1242.

“(9) The hearing shall be informal and the Tribunal shall act as if it were an arbitrator and shall adopt any procedure that it considers to be fair.”.

- 74.** Omit rule 29A (assessors).
- 75.** In rule 30(1) (consolidation of proceedings) omit—
- (a) “the President or”; and
 - (b) “his or”.
- 76.** In rule 31 (power to select test case in appeals or references)—
- (a) in paragraph (1)—
 - (i) for “President” substitute “Tribunal”; and
 - (ii) for “he” substitute “the Tribunal”; and
 - (b) omit paragraph (2).
- 77.** In rule 32(a) (application of Arbitration Act 1996) omit “Lands”.
- 78.** In rule 33 (evidence)—
- (a) in paragraph (1) omit “or President”; and
 - (b) in paragraph (3) for “President” in each place substitute “Tribunal”.
- 79.** In rule 37(1) and (2) (right of audience) omit “the President or”.
- 80.** In rule 38 (interlocutory applications)—
- (a) in paragraphs (1), (8), (9) and (10) for “President” substitute “Tribunal” and;
 - (b) omit paragraph (11).
- 81.** In rule 39(6) (pre-trial review) for “(11)” substitute “(10)”.
- 82.** In rule 43 (preliminary issues)—
- (a) in paragraph (1) omit “President or the”; and
 - (b) in paragraph (3) for “President” substitute “Tribunal”.
- 83.** In rule 45 (withdrawal or dismissal of appeal etc, before hearing)—
- (a) in paragraph (2)—
 - (i) for “President”, in each place, substitute “Tribunal”; and
 - (ii) for “he” substitute “it”; and
 - (b) in paragraph (3) for “President” substitute “Tribunal”.
- 84.** In rule 47 (failure to comply with the rules not to render proceedings invalid) omit “the President or”.
- 85.** In rule 48 (procedure at hearing) omit “and to any direction by the President”.
- 86.** In rule 50 (decision of tribunal)—
- (a) in paragraph (5) for “Registrar” substitute “Tribunal”;
 - (b) in paragraph (6) for “on which a case has been stated for the decision of the Court of Appeal” substitute “which has been appealed to the Court of Appeal”; and
 - (c) after paragraph (6) insert—

“(7) Where the Tribunal has made an award in proceedings on a compulsory purchase compensation reference, on the application of any party the Tribunal must specify the amount awarded in respect of any particular matter the subject of the award.”

- 87.** In rule 52 (costs)—
- (a) for the heading substitute “taxation of costs”;
 - (b) omit paragraph (1);
 - (c) in paragraph (3)—
 - (i) for “President who” substitute “Tribunal which”; and
 - (ii) for “he” substitute “it”; and
 - (d) in paragraph (7)
 - (i) for “President”, in each place, substitute “Tribunal”; and
 - (ii) for “he” substitute “it”.
- 88.** In rule 54 (service of notices)—
- (a) omit paragraph (4); and
 - (b) in paragraph (5) omit—
 - (i) “President or to any member of the Lands”; and
 - (ii) “at the office”.
- 89.** In rule 56 (substituted service) omit—
- (a) “President or the”; and
 - (b) “President or”.
- 90.** For Part 9 (transitional provisions) substitute—

“PART 8A

Permission to appeal to the Court of Appeal and review

Interpretation of Part 8A

57. In this Part—

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

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

Application for permission to appeal

58.—(1) A person seeking permission to appeal must make a written application to the Tribunal for permission to appeal.

(2) An application under paragraph (1) must be sent or delivered to the Tribunal so that it is received within 28 days after the date on which the Tribunal sent a copy of the decision, or an order stating its effect, to the party making the application.

(3) If the person seeking permission to appeal sends or delivers the application to the Tribunal later than the time required by paragraph (2), or by any extension of time under rule 35 (extension of time)—

- (a) the application must include a request for an extension of time and the reason why the application was not sent or delivered to the Tribunal in time; and
- (b) unless the Tribunal decides to extend time for the application, the Tribunal must refuse the application.

- (4) An application under paragraph (1) must—
 - (a) identify the decision of the Tribunal to which it relates;
 - (b) identify the alleged error or errors of law in the decision; and
 - (c) state the result the person making the application is seeking.

Tribunal’s consideration of application for permission to appeal

59.—(1) On receiving an application for permission to appeal the Tribunal may review the decision in accordance with rule 60 (review of a decision), but may only do so if—

- (a) when making the decision the Tribunal overlooked a legislative provision or binding authority which could have had a material effect on the decision; or
- (b) since the Tribunal’s decision, a court has made a decision which is binding on the Tribunal and which, had it been made before the Tribunal’s decision, could have had a material effect on the decision.

(2) If the Tribunal decides not to review the decision, or reviews the decision and decides to take no action in relation to the decision or part of it, the Tribunal must consider whether to give permission to appeal in relation to the decision or that part of it.

(3) The Tribunal must send a record of its decision to the parties as soon as practicable.

(4) If the Tribunal refuses permission to appeal it must send with the record of its decision—

- (a) a statement of its reasons for such refusal; and
- (b) notification of the right to make an application to the relevant appellate court for permission to appeal and the time within which, and the method by which, such application must be made.

(5) The Tribunal may give permission to appeal on limited grounds, but must comply with paragraph (4) in relation to any grounds on which it has refused permission.

Review of a decision

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

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

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

91. In Schedule 1—

- (a) in Form 1 (application for certificate under section 2 of the Rights of Light Act 1959) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”;
- (b) in Form 2 (temporary certificate for registration of a notice under section 2 of the Rights of Light Act 1959) for “Lands Tribunal” substitute “Upper Tribunal”;
- (c) in Form 3 (certificate for registration of a notice under section 2 of the Rights of Light Act 1959) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and

- (d) in Form 4 (certificate for registration of a notice under section 2 of the Rights of Light Act 1959 following registration of a temporary notice) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

92. Omit Schedule 2 (revocations).

Hedgerows Regulations 1997

93. In regulation 14 of the Hedgerows Regulations 1997(**147**) (rights of entry: supplementary provisions)—

- (a) in paragraph (5) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph (6) for “sections 2 and” substitute “section”.

Anti-Pollution Works Regulations 1999

94. In paragraph 6 of the Schedule to the Anti-Pollution Works Regulations 1999(**148**) (compensation for grant of rights)—

- (a) in sub-paragraph (1) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in sub-paragraph (2)—
 - (i) for “sections 2 and” substitute “section”;
 - (ii) omit “procedure on references to the Lands Tribunal and”; and
 - (iii) omit paragraph (a) and the following “and”.

Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003

95. In regulation 20 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003(**149**) (permission to appeal) for “Lands Tribunal” substitute “Upper Tribunal”.

Fur Farming (Compensation Scheme) (England) Order 2004

96. The Fur Farming (Compensation Scheme) (England) Order 2004(**150**) is amended as follows.

97. In regulation 5(3)(b) (determination of entitlement to compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

98. In regulation 6(3)(c) and (4)(b) (determination as to amount) for “Lands Tribunal” substitute “Upper Tribunal”.

Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004

99. In the Schedule to the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004(**151**) (forms)—

- (a) in Form 8 (notice to a qualifying person of land (or of land subject to new rights) comprised in a compulsory purchase order), in paragraph 3 for “Lands Tribunal” substitute “Upper Tribunal”; and

(147) S.I. 1997/1160.

(148) S.I. 1999/1006.

(149) S.I. 2003/2099.

(150) S.I. 2004/1964.

(151) S.I. 2004/2595.

- (b) in Form 9 (notice to a qualifying person of land (or of land subject to new rights) comprised in a compulsory purchase order made on behalf of a council), in paragraph 3 for “Lands Tribunal” substitute “Upper Tribunal”.

Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005

100. The Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005(**152**) are amended as follows.

101. In regulation 4(1)(e) and (3)(b)(ii) and (c) (circumstances in which proposals may be made) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

102. In regulation 8(10)(b)(i) and (ii) (invalid proposals) for “Lands Tribunal” substitute “Upper Tribunal”.

103. In regulation 17(4)(b) and (5)(b)(i) and (ii) (notification of alteration) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

104. In regulation 35(2), (5)(c) and (9) (review of decisions) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

105. In regulation 37 (appeals)—

- (a) in paragraphs (1), (5) and (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) omit paragraphs (3) and (4).

106. In regulation 39(1)(b), (3) and (4) (notification of further proceedings) for “Lands Tribunal” substitute “Upper Tribunal”.

Public Contracts Regulations 2006

107. In Schedule 1 to the Public Contracts Regulations 2006(**153**) (GPA annex 1 contracting authorities) omit the entry relating to the Lands Tribunal.

Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006

108. The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006(**154**) are amended as follows.

109. In regulation 11(1)(g) (registers of licences) for “Lands Tribunal” substitute “Upper Tribunal”.

110. In regulation 12(1)(g) (registers of temporary exemption notices) for “Lands Tribunal” substitute “Upper Tribunal”.

111. In regulation 13(1)(f) (registers of management orders) for “Lands Tribunal” substitute “Upper Tribunal”.

Residential Property Tribunal Procedure (England) Regulations 2006

112. In regulation 35(1), (2) and (6) of the Residential Property Tribunal Procedure (England) Regulations 2006(**155**) for “Lands Tribunal” substitute “Upper Tribunal”.

(152) S.I. 2005/659.

(153) S.I. 2006/5.

(154) S.I. 2006/373.

(155) S.I. 2006/831.

Contaminated Land (England) Regulations 2006

113. In Schedule 2 to the Contaminated Land (England) Regulations 2006(**156**) (compensation for rights of entry etc.)—

- (a) in paragraph 5(3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 6—
 - (i) in sub-paragraphs (2)(c) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (ii) for sub-paragraph (4) substitute—

“(4) In relation to the determination of any such question, section 4 of the 1961 Act (costs) applies as if the reference in section 2(1) of that Act to section 1 of that Act were a reference to sub-paragraph (3) of this paragraph.”.

Transport and Works (Model Clauses for Railways and Tramways) Order 2006

114. The Transport and Works (Model Clauses for Railways and Tramways) Order 2006(**157**) is amended as follows.

115. In Schedule 1 (model clauses for railways)—

- (a) in clause 1(1) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 5 of Schedule 8, in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

116. In Schedule 2 (model clauses for tramways)—

- (a) in clause 1(1) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 5 of Schedule 8, in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006

117. In paragraph 9 of Schedule 4 to the Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006(**158**) (review of decisions and consents) for “Lands Tribunal” substitute “Upper Tribunal”.

National Assembly for Wales (Disqualification) Order 2006

118. In Part 1 of the Schedule to the National Assembly for Wales (Disqualification) Order 2006(**159**) (bodies of which all members are disqualified) omit the entry for the Lands Tribunal.

Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007

119. In regulation 3(b) of the Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007(**160**) (form and content of summary of rights

(156) [S.I. 2006/1380](#).

(157) [S.I. 2006/1954](#).

(158) [S.I. 2006/2522](#).

(159) [S.I. 2006/3335](#).

(160) [S.I. 2007/1257](#).

and obligations of interest), in paragraph (6) of the statement for “Lands Tribunal” substitute “Upper Tribunal”.

Administration Charges (Summary of Rights and Obligations) (England) Regulations 2007

120. In regulation 2(b) of the Administration Charges (Summary of Rights and Obligations) (England) Regulations 2007(**161**) (form and content of summary of rights and obligations), in paragraph (7) of the statement for “Lands Tribunal” substitute “Upper Tribunal”.

Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007

121. In article 2 of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007(**162**) (list of tribunals) omit the entries relating to—

- (a) the Commissioners for the general purposes of the income tax for England and Wales;
- (b) the Commissioners for the special purposes of the Income Tax Acts;
- (c) the Lands Tribunal;
- (d) the tribunal established under section 706 of the Income and Corporation Taxes Act 1988;
- (e) the tribunal established under section 704 of the Income Tax Act 2007; and
- (f) VAT and Duties Tribunals for England, Wales and Northern Ireland.

Environmental Permitting (England and Wales) Regulations 2007

122. The Environmental Permitting (England and Wales) Regulations 2007(**163**) are amended as follows.

123. In regulation 72 after paragraph (10) add—

“(11) In the application of any provision by virtue of this regulation—

- (a) any reference to the Lands Tribunal must be read as a reference to the Upper Tribunal;
- (b) any reference to section 2 of the Land Compensation Act 1961 must be omitted; and
- (c) for the purposes of the Tribunal Procedure (Upper Tribunal) (Land Chamber) Rules 2009, any proceedings to which section 2 of the Land Compensation Act 1961 would have applied but for sub-paragraph (b) shall be proceedings on a compulsory purchase compensation reference.”.

124. In paragraph 26 of Schedule 5 (environmental permits – payment of compensation)—

- (a) in sub-paragraphs (2)(c) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for sub-paragraph (4) substitute—

“(4) In relation to the determination of such a question, section 4 of the Land Compensation Act 1961 applies as if the reference in section 2(1) of that Act to section 1 of that Act were a reference to sub-paragraph (3) of this paragraph.”

(161) S.I. 2007/1258.

(162) S.I. 2007/2951.

(163) S.I. 2007/3538.

London Gateway Port Harbour Empowerment Order 2008

125. In article 2(1) of the London Gateway Port Harbour Empowerment Order 2008(**164**) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”.

Judicial Appointments Order 2008

126. In Part 1 of Schedule 1 to the Judicial Appointments Order 2008(**165**) (offices for which a Fellow of the Institute of Legal Executives holds a relevant qualification) at the end of the list add—
 “Adjudicators appointed under regulation 9 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008(**166**)”

SCHEDULE 3

Article 5(1) and (4)

Consequential amendments to Church of England measures

Pastoral Measure 1983

1. In section 62(3) of the Pastoral Measure 1983(**167**) (power to impose and enforce covenants) for “Lands Tribunal” substitute “Upper Tribunal”.

Care of Churches and Ecclesiastical Jurisdiction Measure 1991

2. In section 22(7) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991(**168**) (power of bishop to remove legal effects of consecration) for “Lands Tribunal” substitute “Upper Tribunal”.

SCHEDULE 4

Article 5(5)

Repeals and revocations

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Enactment repealed or revoked</i>	<i>Reference</i>	<i>Extent of repeal or revocation</i>
Conveyancing and Feudal Reform (Scotland) Act 1970	1970 c.35	section 50(1)
Local Government, Planning and Land Act 1980	1980 c.65	paragraph 3 of Schedule 33
Courts and Legal Services Act 1990	1990 c.41	paragraph 7 of Schedule 10
Arbitration Act 1996	1996 c.23	paragraph 6 of Schedule 3
Scotland Act 1998	1998 c.46	paragraph 9(a) of Schedule 8

(164) [S.I. 2008/1261](#).

(165) [S.I. 2008/2995](#).

(166) [S.I. 2008/609](#).

(167) 1983 No.1. Subsection (3) was inserted by section 8 of the [Pastoral \(Amendment\) Measure 1994 \(1994 No.1\)](#).

(168) 1991 No.1.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Enactment repealed or revoked</i>	<i>Reference</i>	<i>Extent of repeal or revocation</i>
Constitutional Reform Act 2005	2005 c.4	paragraph 34 of Part 1 of Schedule 4 and the entry relating to the Lands Tribunal Act 1949 in paragraph 6(3) of part 3 of Schedule 11
Tribunals, Courts and Enforcement Act 2007	2007 c.15	paragraph 5 of Schedule 10
Pensions Increase (Judicial Pensions) (Amendment) Regulations 1973	S.I. 1973/495	paragraph 10 of the Schedule
Pensions Increase (Judicial Pensions) (Amendment) Regulations 1974	S.I. 1974/984	paragraph 10 of the Schedule
Lands Tribunal (Fees) Rules 1996	S.I. 1996/1021	the whole Rules
Planning and Compensation Act 1991 (Amendment of Schedule 18) Order 1999	S.I. 1999/648	article 2(3)
Civil Procedure (Modification of Enactments) Order 2000	S.I. 2000/941	the whole Order
Contracting Out of Functions (Tribunal Staff) Order 2001	S.I. 2001/3539	the whole Order
Lands Tribunal (Fees) (Amendment) Rules 2002	S.I. 2002/770	the whole Rules
Lord Chancellor (Transfer of Functions and Supplementary Provisions) Order 2006	S.I. 2006/680	paragraph 54 of Schedule 1

SCHEDULE 5

Article 5(6)

Transitional and saving provisions

Transitional and saving provisions

1. Any proceedings before the Lands Tribunal which are pending immediately before 1st June 2009 shall continue on and after 1st June 2009 as proceedings before the Upper Tribunal.

2.—(1) The following sub-paragraphs apply where proceedings are continued in the Upper Tribunal by virtue of paragraph 1.

(2) Where a hearing began before 1st June 2009 but was not completed by that date, the Upper Tribunal must be comprised for the continuation of that hearing of the person or persons who began it.

(3) The Upper Tribunal may give any direction to ensure that proceedings are dealt with fairly and, in particular, may—

- (a) apply any provision in procedural rules which applied to the proceedings before 1st June 2009; or
- (b) disapply provisions of Tribunal Procedure Rules.

(4) In sub-paragraph (3) “procedural rules” means provision (whether called rules or not) regulating practice or procedure before a tribunal.

(5) Any direction or order given or made in proceedings which is in force immediately before 1st June 2009 remains in force on and after that date as if it were a direction or order of the Upper Tribunal.

(6) A time period which has started to run before 1st June 2009 and which has not expired shall continue to apply.

(7) An order for costs may only be made if, and to the extent that, an order could have been made before 1st June 2009.

3. Where an appeal lies to a court from any decision made by the Lands Tribunal before 1st June 2009, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired prior to 1st June 2009, section 13 of the Tribunals, Courts and Enforcement Act 2007(**169**) (right to appeal to Court of Appeal etc.) shall apply as if the decision were a decision made on or after 1st June 2009 by the Upper Tribunal, and any reference to the Lands Tribunal in legislation relating to such an appeal, express or otherwise, is to be taken as a reference to the Upper Tribunal.

4. Any case to be remitted by a court on or after 1st June 2009 and which, if it had been remitted before 1st June 2009 would have been remitted to the Lands Tribunal, shall be remitted to the Upper Tribunal.

5. Staff appointed to the Lands Tribunal before 1st June 2009 are to be treated on and after that date, for the purpose of any enactment, as if they had been appointed by the Lord Chancellor under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 (tribunal staff and services).

6. A decision made by the Lands Tribunal before 1st June 2009 is to be treated as a decision of the Upper Tribunal on or after 1st June 2009.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the [Tribunals, Courts and Enforcement Act 2007](#) (“the 2007 Act”). Part 1 of the 2007 Act creates a new two tier tribunal structure; the First-tier Tribunal and the Upper Tribunal (“the new tribunals”) are established under section 3 of the 2007 Act. Order making powers are provided under Part 1 of the 2007 Act to enable the functions of existing tribunals to be transferred into the new structure. This Order transfers the functions of the Lands Tribunal to the Upper Tribunal, and in addition contains various minor, consequential and transitional provisions, as explained below.

Transfer of functions of tribunals

Article 2 transfers the functions of the Lands Tribunal to the Upper Tribunal and abolishes the Lands Tribunal.

Transfer of members of tribunals

Article 3 provides for members of the Lands Tribunal to hold the offices of transferred-in judge or transferred-in other member of the Upper Tribunal.

Transfer of Rules

Article 4 provides that the current procedural rules for the Lands Tribunal, the Lands Tribunal Rules 1996, become Tribunal Procedure Rules.

Consequential provisions

Article 5(1) to (5) brings Schedules 1 to 4 into effect. Schedule 1 contains consequential amendments to primary legislation, Schedule 2 contains consequential amendments to secondary legislation, Schedule 3 contains consequential amendments to Church of England Measures, and Schedule 4 contains consequential repeals and revocations of legislation. The vast majority of these amendments, repeals and revocations are made in consequence of the transfer of the functions of the Lands Tribunal to the Upper Tribunal.

In addition, various amendments to legislation are made which do not relate to the transfer of the Lands Tribunal. These are as follows:

Paragraph 161 of Schedule 1 amends the Mental Health Act 1983 in order to ensure that a patient who withdraws their appeal to the First-tier Tribunal can remake that appeal. This amendment relates to the transfer of the functions of Mental Health Review Tribunals in England to the First-tier Tribunal, which was effected by the Transfer of Tribunal Functions Order 2008.

Paragraph 162 of Schedule 1 amends the same Act to allow members of the First-tier Tribunal who may hear mental health cases to sit in the Mental Health Review Tribunal for Wales. This preserves the position under paragraph 5 of Schedule 2 to the 1993 Act before the abolition of the Mental Health Review Tribunal for England and the transfer of its members to the First-tier Tribunal and Upper Tribunal under the Transfer of Tribunal Functions Order 2008.

Paragraph 226 of Schedule 1 amends the Child Support Act 1991 to correct an error in the Transfer of Tribunal Functions Order 2008, by transferring functions which were incorrectly transferred from the Lord Chancellor to the First Minister and deputy First Minister of Northern Ireland back to the Lord Chancellor.

Paragraph 245 of Schedule 1 amends the Tribunals and Inquiries Act 1992 to remove a reference to the VAT and Duties Tribunal, which was abolished by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009.

Paragraph 288 of Schedule 1 amends the Criminal Justice and Immigration Act 2008 to remove a reference to rules made under the Immigration and Asylum Act 1999, which rules were revoked by the Transfer of Tribunal Functions Order 2008.

Paragraph 54 of Schedule 2 removes a reference to the Council on Tribunals which was abolished under section 45 of the 2007 Act.

Paragraph 121(a), (b) and (d) to (f) of Schedule 2 amends the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007 in order to remove references to tax tribunals which were abolished by the 2007 Act and the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009.

Paragraph 126 of Schedule 2 amends the Judicial Appointments Order 2008 by adding to the list of offices for which Fellows of the Institute of Legal Executives hold a relevant qualification for the purposes of the judicial-appointment eligibility condition in section 50 of the Tribunals, Courts and Enforcement Act 2007. The office that is added is that of adjudicator appointed under regulation 9 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008. Section 81(2)(a) of the Traffic Management Act 2004

provides that a person must satisfy the judicial-appointment eligibility condition on a 5-year basis to qualify for appointment as an adjudicator.

Transitional and saving provisions

Article 5(6) brings Schedule 5 into effect. Schedule 5 makes transitional and saving provisions for the treatment of cases which would previously have been dealt with by the Lands Tribunal, and onward appeals from that Tribunal, following the coming into force of this Order.

The Schedule provides for proceedings which have been started in the Lands Tribunal to be transferred to the Upper Tribunal; new proceedings will be started in the Upper Tribunal. In transferred cases the following provisions apply:

- a hearing which has already been commenced but not completed will need to be completed in the Upper Tribunal but comprised of the same members;
- directions and orders made prior to this Order coming into force will continue in force as if they were directions or orders of the Upper Tribunal;
- the Lands Tribunal Rules 2006 are amended and become Tribunal Procedure Rules by virtue of article 4 and Schedule 2. The amended rules will apply to all cases from 1st June 2009, but the Upper Tribunal will be able to disapply amendments to the rules or apply the unamended rules (including provisions in primary legislation) as they applied to the Lands Tribunal, to ensure that proceedings are dealt with fairly;
- time limits which begin to run before this Order comes into force continue to apply after the Order comes into force; and
- the Upper Tribunal will only be able to make a costs order if and to the extent that the Lands Tribunal could have made such an order.
- Appeals against the decisions of the Lands Tribunals, if the appeal right has not been exercised before this Order comes into force and the time for doing so has not expired, are to be treated as appeals against the decisions of the Upper Tribunal.

A Regulatory Impact Assessment was prepared for the [Tribunals, Courts and Enforcement Act 2007](#). This can be found at:

<http://www.justice.gov.uk/publications/tribunalscourtsandenforcementact.htm>