

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⁽¹⁾ 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⁽²⁾ 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⁽³⁾ (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⁽⁴⁾ 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⁽⁵⁾ (appeals)—

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

(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”.

(1) [S.I. 1952/161](#).

(2) [S.I. 1954/1255](#).

(3) [S.I. 1959/715](#).

(4) [S.I. 1960/194](#).

(5) [S.I. 1968/1672](#).

Pensions Increase (Judicial Pensions) Regulations 1972

10. Omit paragraph 15 of the Schedule to the Pensions Increase (Judicial Pensions) Regulations 1972(6) (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(7) (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(8) 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”;
- (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)—

(6) [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](#)).

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

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

- (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(9) 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(10), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965(11)—

- (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(12) are amended as follows.

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(13) (right to compensation in certain circumstances)—

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

(9) S.I. 1974/1286.

(10) S.I. 1977/84.

(11) 1965 c. 56.

(12) 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).

(13) S.I. 1978/1535.

- (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(**14**) (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(**15**) (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(**16**) 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”.

Judicial Pensions (Preservation of Benefits) Order 1988

30. In Schedule 1 to the Judicial Pensions (Preservation of Benefits) Order 1988(**17**) (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(**18**) (schemes) in the final paragraph omit “Member of the Lands Tribunal”.

(14) [S.I. 1986/225](#).

(15) [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](#)).

(16) [S.I. 1987/821](#).

(17) [S.I. 1988/1418](#).

(18) [S.I. 1988/1420](#).

Valuation and Community Charge Tribunals Regulations 1989

32. The Valuation and Community Charge Tribunals Regulations 1989(**19**) 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(**20**) 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(**21**), 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(**22**) (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(**23**) (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(**24**)—

- (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”.

(19) [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](#)).

(20) [S.I. 1989/1060](#).

(21) [S.I. 1990/1730](#).

(22) [S.I. 1990/1904](#).

(23) [S.I. 1990/2145](#).

(24) [S.I. 1991/2512](#).

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**(25)** (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**(26)** 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**(27)** (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**(28)** (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**(29)** (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
- (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**(30)** are amended as follows.

(25) S.I. 1992/230.

(26) S.I. 1992/1492.

(27) 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).

(28) S.I. 1993/290.

(29) S.I. 1994/570.

(30) 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).

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(31), 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(32) (inquiries) omit paragraph 2(5).

Lands Tribunal Rules 1996

55. The Lands Tribunal Rules 1996(33) 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.

(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(34).”.

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

(31) S.I. 1995/2863.

(32) S.I. 1995/2869.

(33) 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).

(34) 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).

- (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⁽³⁵⁾; 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⁽³⁶⁾;
 - (ii) under section 307(1) of the Highways Act 1980⁽³⁷⁾; and
 - (iii) under regulation 96(2) of the Conservation (Natural Habitats, &c) Regulations 1994⁽³⁸⁾.”;
 - (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⁽³⁹⁾ (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 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.

(35) 1981 c. 66.
(36) 1967 c. 42.
(37) 1980 c. 66.
(38) S.I. 1994/2716.
(39) 2007 c.15.

(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⁽⁴⁰⁾ or regulation 37(1) of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005⁽⁴¹⁾, 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

(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

⁽⁴⁰⁾ S.I. 2005/659.

⁽⁴¹⁾ S.I. 2005/758.

- (b) after paragraph (5) add—
- “(6) In a reference under section 153(1) of the Town and Country Planning Act 1990⁽⁴²⁾, 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⁽⁴³⁾, 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—
- “(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

⁽⁴²⁾ 1990 c. 8.

⁽⁴³⁾ S.I. 1974/1242.

- (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⁽⁴⁴⁾ (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⁽⁴⁵⁾ (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⁽⁴⁶⁾ (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⁽⁴⁷⁾ 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⁽⁴⁸⁾ (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
- (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”.

⁽⁴⁴⁾ S.I. 1997/1160.

⁽⁴⁵⁾ S.I. 1999/1006.

⁽⁴⁶⁾ S.I. 2003/2099.

⁽⁴⁷⁾ S.I. 2004/1964.

⁽⁴⁸⁾ S.I. 2004/2595.

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

100. The Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005⁽⁴⁹⁾ 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⁽⁵⁰⁾ (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⁽⁵¹⁾ 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⁽⁵²⁾ for “Lands Tribunal” substitute “Upper Tribunal”.

Contaminated Land (England) Regulations 2006

113. In Schedule 2 to the Contaminated Land (England) Regulations 2006⁽⁵³⁾ (compensation for rights of entry etc.)—

⁽⁴⁹⁾ [S.I. 2005/659](#).

⁽⁵⁰⁾ [S.I. 2006/5](#).

⁽⁵¹⁾ [S.I. 2006/373](#).

⁽⁵²⁾ [S.I. 2006/831](#).

⁽⁵³⁾ [S.I. 2006/1380](#).

- (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⁽⁵⁴⁾ 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⁽⁵⁵⁾ (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⁽⁵⁶⁾ (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⁽⁵⁷⁾ (form and content of summary of rights and obligations of interest), in paragraph (6) of the statement for “Lands Tribunal” substitute “Upper Tribunal”.

⁽⁵⁴⁾ S.I. 2006/1954.

⁽⁵⁵⁾ S.I. 2006/2522.

⁽⁵⁶⁾ S.I. 2006/3335.

⁽⁵⁷⁾ S.I. 2007/1257.

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(**58**) (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(**59**) (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(**60**) 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.”

London Gateway Port Harbour Empowerment Order 2008

125. In article 2(1) of the London Gateway Port Harbour Empowerment Order 2008(**61**) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”.

(58) [S.I. 2007/1258](#).

(59) [S.I. 2007/2951](#).

(60) [S.I. 2007/3538](#).

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

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

Judicial Appointments Order 2008

126. In Part 1 of Schedule 1 to the Judicial Appointments Order 2008**(62)** (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**(63)**

(62) S.I. 2008/2995.

(63) S.I. 2008/609.