
Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Land Powers (Defence) Act 1958 (c. 30) is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

PART 1

AMENDMENTS

Land Powers (Defence) Act 1958 (c. 30)

- 45 Schedule 2 to the Land Powers (Defence) Act 1958 (provisions with respect to making certain orders under the Act) is amended as follows.
- 46 (1) Paragraph 4 (inquiries into objections) is amended as follows.
- (2) In sub-paragraph (1) for “by the Lord Chancellor” substitute “ in accordance with sub-paragraph (1A) ”.
- (3) After sub-paragraph (1) insert—
- “(1A) A person to hold an inquiry for the purposes of sub-paragraph (1) is to be appointed as follows—
- (a) if the inquiry relates to land in England and Wales, the person is to be appointed by the Lord Chief Justice of England and Wales after consulting the Lord Chancellor;
 - (b) if the inquiry relates to land in Scotland, the person is to be appointed by the Lord President of the Court of Session;
 - (c) if the inquiry relates to land in Northern Ireland, the person is to be appointed by the Lord Chief Justice of Northern Ireland after consulting Lord Chancellor.”
- (4) In sub-paragraph (3) for “The Lord Chancellor shall by statutory instrument make rules of procedure” substitute “ Rules of procedure shall be made by statutory instrument in accordance with sub-paragraph (3A) ”.
- (5) After sub-paragraph (3) insert—
- “(3A) Rules under sub-paragraph (3) are to be made as follows—
- (a) if the rules are for the purposes of inquiries held in relation to land in England and Wales, they are to be made by the Lord Chancellor;
 - (b) if the rules are for the purposes of inquiries held in relation to land in Scotland, they are to be made by the Secretary of State after consultation with the Lord President of the Court of Session;
 - (c) if the rules are for the purposes of inquiries held in relation to land in Northern Ireland, they are to be made by the Lord Chancellor after consultation with the Lord Chief Justice of Northern Ireland.”

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- (6) In sub-paragraph (4) for the words from “as the Lord Chancellor” to the end substitute “as may be determined, with the approval of the Treasury—
- (a) by the Lord Chancellor, or
 - (b) in a case where the Lord President of the Court of Session appointed the person, by the Secretary of State.”
- (7) After sub-paragraph (4) insert—
- “(5) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.
- (6) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.
- (7) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 47 (1) Paragraph 8 (application to court to challenge order) is amended as follows.
- (2) That paragraph becomes sub-paragraph (1) of paragraph 8.
- (3) In that sub-paragraph “for High Court” substitute “appropriate court”.
- (4) After that sub-paragraph insert—
- “(2) In this paragraph “appropriate court” means—
- (a) if the order relates to land in England and Wales, the High Court in England and Wales;
 - (b) if the order relates to land in Scotland, the Court of Session;
 - (c) if the order relates to land in Northern Ireland, the High Court in Northern Ireland.”
- 48 Omit paragraphs 10 and 11 (modifications for application to Scotland and Northern Ireland).

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)