



Landlord and Tenant Act 1927

1927 CHAPTER 36

PART III

GENERAL

21 Provisions as to tribunal

- (1) The tribunal for the purposes of Part I of this Act shall be the county court within the district of which the premises or any part thereof are situated acting under and in accordance with this section :

Provided that—

- (a) if before commencing proceedings in the county court the claimant or applicant and all persons affected agree that the claim or application should be heard by the High Court; or
- (b) if on an application being made to the High Court within the prescribed time the matter is transferred to the High Court in accordance with and subject to the provisions of section one hundred and twenty-six of the County Courts Act, 1888;

the High Court shall, in respect of the matter, be the tribunal for the purposes of Part I of this Act.

- (2) Where proceedings are commenced in the county court in respect of any claim or application under Part I of this Act and are not transferred to the High Court, the matter shall, unless the parties otherwise agree, or it is otherwise prescribed, stand referred for inquiry and report to such one of the panel of referees appointed by the Reference Committee hereinafter mentioned as may be selected by the county court, as if with the consent of the parties the matter had been so referred to him in pursuance of section six of the County Courts Act, 1919.
- (3) The power of selecting a referee from the panel shall, unless any of the parties object, be exercisable by the registrar of the county court, and if there is such an objection by the judge.

Status: This is the original version (as it was originally enacted).

- (4) In any proceedings before the referee not more than one expert witness on either side shall be heard unless the referee or the judge of the county court otherwise directs.
- (5) County court rules may be made for regulating proceedings under this section and for enabling any party to apply to the county court for directions as to the conduct of a reference under this section, and those rules may fix the remuneration of referees and may provide for applying, subject to the necessary adaptations and exceptions, to costs of proceedings in county courts under this section, the provisions of subsections (1), (2) and (3) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, relating to costs of proceedings under that Act.
- (6) The Reference Committee for the purposes of this Act shall consist of the Lord Chief Justice of England, the Master of the Rolls, the President of the Law Society and the President of the Surveyors' Institution, and the Committee shall have power to appoint such persons as they think fit to be members of the panel of referees either generally or for particular localities, and to remove from the panel any person so appointed.
- (7) Rules of the Supreme Court may be made regulating proceedings under this Act commenced in or transferred to the High Court, and those rules may provide that on the hearing of a summons for directions, the court or a judge thereof may, without any application for the purpose being made by any party, order the matter to be referred for inquiry and report to such one of the said panel of referees as may be selected by the court or a judge thereof, subject to such directions (if any) as the court or judge may think fit to give; and in any such case the referee so selected shall be deemed to be a special referee within the meaning of section eighty-eight of the Supreme Court of Judicature (Consolidation) Act, 1925.
- (8) Nothing in this Act shall prevent an agreement being made for referring to arbitration under the Arbitration Act, 1889, any matter which under this Act is to be determined by the tribunal.

Such an agreement may be contained in the original lease or may be made in writing at any date subsequent to the date of the lease.