



# Lands Tribunal Act 1949

## 1949 CHAPTER 42 12 13 and 14 Geo 6

### **1 Establishment and jurisdiction of Lands Tribunal.**

- (1) There shall be set up, to exercise the jurisdiction hereafter mentioned in this Act, the following tribunals, namely—
  - (a) a tribunal for Scotland, to be called “the Lands Tribunal for Scotland”; and
  - (b) a tribunal for the remainder of the United Kingdom, to be called “the Lands Tribunal.”
- (2) Except in so far as the context otherwise requires, references in this Act to the Lands Tribunal shall be taken, in relation to Scotland, as references to the Lands Tribunal for Scotland.
- (3) There shall be referred to and determined by the Lands Tribunal—
  - (a) any question which is by any Act (including a local or private Act) directed, in whatever terms, to be determined by a person or one or more persons selected from either of the following panels, that is to say,—
    - (i) the panel of official arbitrators appointed under the Acquisition of Land Act; and
    - (ii) the panel of referees appointed under Part I of the <sup>M1</sup>Finance (1909-10) Act 1910;or which is so directed to be determined in the absence of agreement to the contrary;
  - (b) any other question of disputed compensation under the Lands Clauses Acts, where the claim is for the injurious affection of any land . . . <sup>F1</sup>
  - (c) any question arising . . . <sup>F2</sup> as to the apportionment mentioned in section one hundred and sixteen of the <sup>M2</sup>Lands Clauses Consolidation Act 1845, of any rent charge or other matter to which that section applies;
  - (d) . . . . . <sup>F3</sup>
  - (e) any question on which, but for this provision, an appeal or reference to the county court would or might be made by virtue of section . . . <sup>F4</sup>, sixty-two or eighty-seven of the <sup>M3</sup>Local Government Act 1948.

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*Changes to legislation: There are currently no known outstanding effects for the Lands Tribunal Act 1949. (See end of Document for details)*

[<sup>F5</sup>(3A) The Lands Tribunal for Scotland may also determine any appeal or complaint under the Valuation Acts (within the meaning of section 37(1) of the Local Government (Scotland) Act <sup>M4</sup>1975) referred to it by a valuation appeal committee.

(3B) The jurisdiction conferred by subsection (3A) of this section includes power, in relation to an individual appeal or complaint, to decline with reason stated to proceed to determine it.

[ The Lands Tribunal for Scotland may also determine any appeal against the decision <sup>F6</sup>(3BA) of a valuation appeal committee not to refer to the Tribunal any appeal or complaint made to the committee and, where the Tribunal upholds such an appeal, the appeal or complaint made to the committee shall, for the purposes of this section, be regarded as having been referred by the committee to the Tribunal for determination under subsection (3A) above.]

(3C) The provisions of the said Valuation Acts with regard to appeal to judges of the Court of Session shall, with any necessary modifications, apply in relation to determinations of the Lands Tribunal for Scotland under subsection (3A) of this section as they apply in relation to decisions of valuation appeal committees.

(3D) The Secretary of State may by order made by statutory instrument repeal or amend any enactment (including this Act) to the extent necessary to give full effect to this section.

(3E) A statutory instrument containing an order under subsection (3D) above shall have no effect until approved by resolution of each House of Parliament.]

(4) The Lands Tribunal shall also exercise—

(a) the jurisdiction conferred on the Authority under section eighty-four of the <sup>M5</sup>Law of Property Act 1925 (which relates to the discharge and modification of restrictive covenants); and

(b) any other jurisdiction conferred by any Act (including a local or private Act), or instrument made under any such Act, on a person or one or more persons selected as mentioned in paragraph (a) of the last foregoing subsection . . . <sup>F1</sup>

(5) The Lands Tribunal may also act as arbitrator under a reference by consent, and any agreement entered into before the commencement of this Act which provides for referring any matter to arbitration by a person or one or more persons selected as aforesaid shall, subject to any subsequent agreement, have effect as if it provided for referring the matter to arbitration by the Lands Tribunal.

(6) Where [<sup>F7</sup>any person] is or may be liable for any compensation falling to be determined under section fifty-eight or one hundred and six of the <sup>M6</sup>Lands Clauses Consolidation Act 1845 (which sections relate to the procedure in default of a claimant), the surveyor referred to in those sections, . . . <sup>F2</sup> shall be selected as hereinafter mentioned from the members of the Lands Tribunal.

(7) . . . . . <sup>F8</sup>

(8) In relation to the Lands Tribunal for Scotland this section shall have effect with the substitution—

(a) of references to sections fifty-seven, ninety-seven and one hundred and nine of the <sup>M7</sup>Lands Clauses Consolidation (Scotland) Act 1845, for the references to sections fifty-eight, one hundred and six and one hundred and sixteen respectively of the <sup>M8</sup>Lands Clauses Consolidation Act 1845; and

(b) . . . . . <sup>F9</sup>

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### Textual Amendments

- F1** Words repealed by [Land Compensation Act 1961 \(c. 33\)](#), [Sch 5](#); and [Land Compensation \(Scotland\) Act 1963 \(c.51\)](#), [Sch. 4](#)
- F2** Words repealed by [Compulsory Purchase Act 1965 \(c. 56\)](#), [Sch. 8 Pt. III](#)
- F3** [S. 1\(3\)\(d\)](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)
- F4** Words repealed by [General Rate Act 1967 \(c. 9\)](#), s. 117, [Sch. 14 Pt. I](#)
- F5** [S. 1\(3A\)–\(3E\)](#) inserted (S.) by [Rating and Valuation \(Amendment\) \(Scotland\) Act 1984 \(c. 31, SIF 103:2\)](#), s. [12\(1\)](#)
- F6** [S. 1\(3BA\)](#) inserted (E.W.S.) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\)](#), s. 145, [Sch. 6 para. 1](#)
- F7** Words substituted by [Land Compensation Act 1961 \(c. 33\)](#), [Sch. 4 para. 8](#); and [Land Compensation \(Scotland\) Act 1963 \(c. 51\)](#), s. [46](#)
- F8** [Ss. 1\(7\), 3\(7\), 5](#), [Sch. 1](#) repealed by [Land Compensation Act 1961 \(c. 33\)](#), [Sch. 5](#) and [Land Compensation \(Scotland\) Act 1963 \(c. 51\)](#), [Sch. 4](#)
- F9** [S. 1\(8\)\(b\)](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. VII](#)

### Modifications etc. (not altering text)

- C1** [S. 1](#) extended by [Coast Protection Act 1949 \(c. 74\)](#), s. [24](#)
- C2** [S. 1\(3A\)](#) excluded (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. [82\(5\)](#) (with s. [118\(1\)\(2\)\(4\)](#)).

### Marginal Citations

- M1** [1910 c. 8](#).
- M2** [1845 c. 18](#).
- M3** [1948 c. 26](#).
- M4** [1975 c.30 \(81:2\)](#).
- M5** [1925 c. 20](#).
- M6** [1845 c. 18](#).
- M7** [1845 c. 19](#).
- M8** [1845 c. 18](#).

## 2 Members, officers and expenses of Lands Tribunal.

- (1) The Lands Tribunal shall consist of a President and such number of other members as the Lord Chancellor may determine, to be appointed by the Lord Chancellor.
- (2) The President shall be either a person who
- [<sup>F10</sup>(a)] has held judicial office under the Crown (whether in the United Kingdom or not)
- [<sup>F11</sup>(b)] has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
- (c) is a member of the Bar of Northern Ireland of at least 7 years' standing,] and of the other members of the Lands Tribunal such number as the Lord Chancellor may determine shall be [<sup>F12</sup>persons falling within paragraph (b) or (c) or solicitors of the Supreme Court of Northern Ireland of at least 7 years' standing] and the others shall be persons who have had experience in the valuation of land appointed after consultation with the president of the Royal Institution of Chartered Surveyors.
- (3) In the case of the temporary absence or inability to act of the President, the Lord Chancellor may appoint another member of the Lands Tribunal to act as deputy for

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the President, and a member so appointed shall, when so acting, have all the functions of the President.

- (4) If a member of the Lands Tribunal becomes, in the opinion of the Lord Chancellor, unfit to continue in office or incapable of performing his duties, the Lord Chancellor shall forthwith declare his office to be vacant and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.
- (5) Subject to the last foregoing subsection, the appointment of a member of the Lands Tribunal shall be for such term as may be determined by the Lord Chancellor, with the approval of the Treasury, before his appointment, and shall be subject to such conditions as may be so determined, and a person who ceases to hold office as a member of the Lands Tribunal shall be eligible for re-appointment thereto.
- [<sup>F13</sup>(5A) No person shall be appointed a member of the Tribunal for a term which extends beyond the day on which he attains the age of seventy, except in accordance with section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).]
- (6) There may be paid to the members of the Lands Tribunal such remuneration, and such travelling and subsistence allowances, . . . <sup>F14</sup>, as the Lord Chancellor may, with the approval of the Treasury, determine.
- (7) The Lord Chancellor may appoint such officers and servants of the Lands Tribunal as he may, with the approval of the Treasury as to numbers and remuneration, determine.
- (8) The remuneration and allowances of members . . . <sup>F15</sup>of the Lands Tribunal, the remuneration of the officers and servants appointed by the Lord Chancellor, and such other expenses of the Lands Tribunal as the Treasury may determine, shall be defrayed out of moneys provided by Parliament.
- (9) In relation to the Lands Tribunal for Scotland this section shall have effect [<sup>F16</sup>with the omission of subsection (8) and]with the substitution—
- (a) of references to the Lord President of the Court of Session or, in subsections (5) to [<sup>F17</sup>(7)], to the Secretary of State for references to the Lord Chancellor;
- [<sup>F18</sup>(b) for subsection (2), of the following subsection:—
- “(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, and of the other members of the Lands Tribunal such number as the Lord President of the Court of Session may determine shall be persons so qualified, and 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.”]
- [<sup>F19</sup>(10) The remuneration of members of the Lands Tribunal for Scotland shall be charged on the Scottish Consolidated Fund.]

#### Textual Amendments

**F10** “(a)” inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 71\(2\), Sch. 10 para. 7](#)

**F11** Paras. (b) and (c) substituted for “or a barrister-at-law of at least seven years' standing” by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 71\(2\), Sch. 10 para. 7](#)

**F12** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\), s. 71\(2\), Sch. 10 para. 7](#)

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- F13** S. 2(5A) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 31** (with s. 27, Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**
- F14** Words repealed by Judicial Pensions Act 1981 (c. 20, SIF 71:2), s. 38(2), **Sch. 4**
- F15** Words repealed by Judicial Pensions Act 1981 (c. 20, SIF 71:2), s. 38(2), **Sch. 4**
- F16** Words in s. 2(9) inserted (1.7.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 9(a)(i)** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**
- F17** Words in s. 2(9)(a) substituted (1.7.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 9(a)(ii)** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**
- F18** S. 2(9)(b) substituted for s. 2(9)(b)(c) by Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35), **s. 50(1)**
- F19** S. 2(10) inserted (1.7.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 9(b)** (with s. 126(3)-(11)); S.I. 1998/3178, **art. 2(1)**

**Modifications etc. (not altering text)**

- C3** S. 2(7): Functions of the Treasury now again exercisable by the Treasury: S.I. 1968/1656, **arts. 2(1)(a), 3(2)**, 1981/1670, arts. 2(1)(a), 3(5)
- C4** S. 2(8): Certain functions of the Treasury transferred by S.I. 1968/1656, **arts. 2(1)(a), 3(2)** and now again exercisable by the Treasury by virtue of S.I. 1981/1670, **arts. 2(1)(a), 3(5)**

### 3 Procedure, appeals, costs and fees.

- (1) Subject to the provisions of this Act, the jurisdiction of the Lands Tribunal may be exercised by any one or more of its members, and references in this Act to the Lands Tribunal shall be construed accordingly.
- (2) The member or members who is or are to deal with any case shall be selected as follows:—
- (a) the President may select a member or members to deal with a particular case or class or group of cases; or
  - (b) the President may select for a class or group of cases members from amongst whom a member or members to deal with any particular case shall be selected, and the selection from amongst those members of a member or members to deal with a particular case shall then be made either by the President or, if he so directs, by one of those members appointed by the President to be their chairman.

This subsection shall apply to the selection of a member of the Lands Tribunal for the purposes of subsection (6) of section one of this Act as if the case were one to be dealt with by the Lands Tribunal.

- (3) Where a case is dealt with by two or more members of the Tribunal—
- (a) if the President is one of them he shall preside at the hearing and, if he is not, one of them shall be nominated to preside at the hearing by the person selecting them to deal with the case;
  - (b) a decision shall be taken, in the event of a difference between the members dealing with the case, by the votes of the majority and, in the event of an equality of votes, the person presiding at the hearing shall be entitled to a second or casting vote.
- (4) A decision of the Lands Tribunal shall be final:  
Provided that any person aggrieved by the decision as being erroneous in point of law may, within such time as may be limited by rules of court, [<sup>F20</sup>in England and Wales appeal to the court and otherwise] require the tribunal to state and sign a case

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for the decision of the court and, where the decision of the Lands Tribunal is given on a review by way of appeal of the previous decision of another person, that person if dissatisfied with the decision of the Lands Tribunal shall be treated for this purpose as a person aggrieved thereby.

- (5) Subject to the following provisions of this section, the Lands Tribunal may order that the costs of any proceedings before it incurred by any party shall be paid by any other party and may tax or settle the amount of any costs to be paid under any such order or direct in what manner they are to be taxed.
- (6) Subject to the provisions of this Act, rules may be made for regulating proceedings before the Lands Tribunal and, subject to the approval of the Treasury, the fees chargeable in respect of those proceedings, and may in particular—
  - (a) make provision—
    - (i) as to the form in which any decision of the Tribunal is to be given, and as to the amendment of any such decision in pursuance of any directions which may be given by the court dealing with an appeal under this section;
    - (ii) as to the time within which any proceedings before the Tribunal are to be instituted;
    - (iii) as to the evidence which may be required or admitted in any such proceedings;
  - (b) provide for the Tribunal to [<sup>F21</sup>be assisted by] assessors when dealing with cases calling for special knowledge and, subject to the approval of the Treasury, for making payments to the assessors as part of the expenses of the Tribunal;
  - (c) apply in relation to the Tribunal any of the provisions of [<sup>F22</sup>Part I of the Arbitration Act 1996].

[<sup>F23</sup>(6A) It is hereby declared that this section authorises the making of rules which allow the Tribunal to determine cases without an oral hearing.

- (6B) The rules shall require that the determination without an oral hearing of any disputed claim for compensation which—
  - (a) is payable in respect of a compulsory acquisition of land, or
  - (b) depends directly or indirectly on the value of any land,
 shall require the consent of the person making the claim.

(6C) Where the Tribunal determine a case without an oral hearing, subsection (3) of this section shall apply subject to such modifications as may be prescribed by the rules.]

(7) ..... <sup>F24</sup>

(8) Where the Lands Tribunal acts as arbitrator, [<sup>F22</sup>Part I of the Arbitration Act 1996], shall apply only in so far as [<sup>F25</sup>it is] applied by rules made under this section.

(9) Subject to this Act, any rules made by the Reference Committee under the Acquisition of Land Act, or by the Reference Committee under the <sup>M9</sup>Finance (1909-10) Act 1910, which are in force immediately before the commencement of this Act shall, so far as they relate to matters with respect to which there is power to make rules under this section, have effect with any necessary modifications as if made in the exercise of that power; and any instrument prescribing the fees chargeable under either of the said Acts which is then in force shall also have effect as aforesaid.

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Subject to this Act any reference to rules made by either of the said Committees or to any such instrument as aforesaid shall, unless the context otherwise requires, include a reference to the rules made or having effect under this section.

- (10) Rules made under this section shall provide for preserving, so far as appears to the rule-making authority to be practicable, the effect of things done before the commencement of this Act in or for the purposes of the exercise of any jurisdiction transferred by this Act to the Lands Tribunal, and those rules may exclude the operation of this Act, in whole or in part, in relation to any proceedings pending at the commencement of this Act.
- (11) Subject to the following subsection—
- (a) the court referred to in subsection (4) of this section shall be the Court of Appeal;
  - (b) the rule-making authority for the purposes of this Act shall be the Lord Chancellor.
- (12) In relation to the Lands Tribunal for Scotland, the following provisions shall have effect:—
- <sup>F26</sup><sub>F27</sub>(a) Subsection (4) of this section shall not apply;
  - (b) for paragraph (c) of subsection (6) of this section there shall be substituted the following paragraph:—
    - “(c) provide for requiring persons to attend to give evidence and produce documents, and for authorising the administration of oaths to witnesses, and for granting to any person such recovery of documents as might be granted by the Court of Sessions.”;
  - (c) any person who without reasonable excuse fails to comply with any requirement imposed by rules under this section in accordance with paragraph (c) of subsection (6) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding <sup>F28</sup>level 3 on the standard scale] or imprisonment for a term not exceeding three months or both;
  - (d) any <sup>F29</sup>extract of an order] of the Tribunal may be recorded for execution in the Books of Council and Session and shall be enforceable accordingly;
  - (e) the rule-making authority for the purposes of this Act shall be <sup>F30</sup>The Lord Advocate]].

#### Subordinate Legislation Made

**P1** S. 3: s. 3 power exercised by S.I. 1991/658.

For previous exercises of power see Index to Government Orders.

#### Textual Amendments

**F20** Words in s. 3(4) inserted (2.5.2000) by S.I. 2000/941, art. 2

**F21** Words substituted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 193, Sch. 33 para. 3(3)

**F22** S. 3(6)(c)(8): for the words “the Arbitration Acts 1889 to 1934” substitute “Part I of the Arbitration Act 1996” (31.1.1997) by 1996 c. 23, s. 107(1), Sch. 3 para. 6 (with s. 81(2)); S.I. 1996/3146, art. 3

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- F23** S. 3(6A)–(6C) inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 193, **Sch. 33 para. 3(2)**
- F24** Ss. 1(7), 3(7), 5, Sch. 1 repealed by Land Compensation Act 1961 (c. 33), **Sch. 5** and Land Compensation (Scotland) Act 1963 (c. 51), **Sch. 4**
- F25** Words substituted by virtue of Arbitration Act 1950 (c. 27), s. **44(3)**
- F26** S. 3(12) (a)–(e) substituted for s. 3(12)(a)–(c) by Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35), s. **50(2)**
- F27** S. 3(12)(a): substitution of para. (a) continued (1.10.1992) by virtue of Tribunals and Inquiries Act 1992 (c. 53), **ss. 18(3), 19(2)**.
- F28** Words substituted (S.) for “£50” by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F29** Words substituted retrospectively by Land Tenure Reform (Scotland) Act 1974 (c. 38), s. **19**
- F30** Words substituted by S.I. 1972/2002, **art 3(3)(c)**

#### Modifications etc. (not altering text)

- C5** S. 3: functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by S.I. 1999/678, arts. 2, 3, **Sch.** (with art. 7)
- C6** S. 3 applied (with modifications) (S.) (1.11.2003) by 2000 asp 5, ss. 21, 77(4); S.S.I. 2003/455, **art. 2(a)**
- C7** S. 3(4) restricted (E.W.) (30.9.2003 for E. and 30.3.2004 for W.) by 2002 c. 15, ss. 175(10), 181; S.I. 2003/1986, **art. 2(c)(i)** (with Sch. 2); S.I. 2004/669, **art. 2(c)(i)** (with art. 2(c), Sch. 2)
- C8** S. 3(4) excluded by Housing Act 1980 (c. 51, SIF 61), s. 142, **Sch. 22 para. 3** (but Housing Act 1980 (c. 51) repealed (S.) by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 335, 339, **Sch. 24**)
- C9** S. 3(4) modified (4.7.2005 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), **ss. 231(5), 270(5)(c)**; S.I. 2005/1729, **art. 2(a)** (subject to art. 3); S.I. 2006/1535, **art. 2(a)** (with art. 3, Sch.)
- C10** S. 3(6) extended (E.W.) by Rights of Light Act 1959 (c. 56), s. 2(5)

#### Marginal Citations

- M9** 1910 c. 8.

## 4 Power to add to jurisdiction of Lands Tribunal.

- (1) His Majesty may by Order in Council direct that questions which are required or authorised by any Act (including a local or private Act), or instrument made under any such Act, to be determined by any statutory tribunal shall or may be determined instead by the Lands Tribunal if it appears to His Majesty—
- (a) that the questions are appropriate for the Lands Tribunal as involving valuation of land or for other reasons; and
  - (b) that it is desirable to transfer the jurisdiction to determine those questions from the first-mentioned tribunal to the Lands Tribunal either—
    - (i) to promote uniformity of decision; or
    - (ii) to use economically the services of those having experience in the valuation of land or other special qualifications; or
    - (iii) to make possible the winding up of a statutory tribunal having little work to do.
- (2) The foregoing subsection shall authorise a transfer of the jurisdiction conferred on a statutory tribunal by or under an Act passed after this Act unless that Act contains a direction to the contrary:



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Provided that where the jurisdiction is first conferred on the tribunal by or under an Act so passed sub-paragraphs (i) and (ii) of paragraph (b) of the foregoing subsection shall not apply.

- (3) An Order in Council under this section may contain such supplementary and consequential provisions as appear to His Majesty to be expedient, and any such provisions may be revoked or varied by a subsequent Order in Council or, if the Order in Council so provides, by rules made under this Act.
- (4) Without prejudice to the generality of the last foregoing subsection, the provisions thereby authorised to be contained in an Order in Council shall include provisions for the following purposes, that is to say—
  - (a) making decisions of the Lands Tribunal in the exercise of the jurisdiction transferred enforceable in the same way as those of the statutory tribunal from which the jurisdiction is transferred;
  - (b) making special provision as to the selection of members to deal with a case and as to their sitting with assessors;
  - (c) applying with or without modifications to the exercise of that jurisdiction by the Lands Tribunal, or repealing, any provisions as to procedure which governed its exercise by the said statutory tribunal;
  - (d) preserving the effect of things done in or for the purpose of the exercise of that jurisdiction by the said statutory tribunal.
- (5) Where the Lands Tribunal is exercising a jurisdiction transferred to it by virtue of this section, section three of this Act shall have effect subject to the provisions of any Order in Council under this section with respect to that jurisdiction.
- (6) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section the expression “statutory tribunal” means any Government department, authority or person entrusted with the judicial determination as arbitrator or otherwise of questions arising under an Act of Parliament, except that the expression does not include—
  - (a) any of the ordinary courts of law or a tribunal consisting of one or more judges of any of those courts; or
  - (b) an arbitrator unless the person to act as arbitrator is designated, or is to be selected from a class or group of persons designated, by the Act or instrument requiring or authorising arbitration.

5 ..... F31

**Textual Amendments**

**F31** Ss. 1(7), 3(7), 5, Sch. 1 repealed by [Land Compensation Act 1961 \(c. 33\)](#), [Sch. 5](#) and [Land Compensation \(Scotland\) Act 1963 \(c. 51\)](#), [Sch. 4](#)

**6 Compensation for loss of office.**

- (1) The Treasury may by regulations provide for the payment of compensation to persons suffering loss of office or employment, or loss or diminution of emoluments, which

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is attributable to the transfer of any jurisdiction to the Lands Tribunal by or under this Act.

- (2) The regulations may include provision as to the manner in which, and the persons to whom, any claim for compensation thereunder is to be made and for the determination of questions arising thereunder.
- (3) Any compensation under this section shall be paid out of moneys provided by Parliament.

#### Modifications etc. (not altering text)

- C11** S. 6(1): Functions of the Treasury transferred by S.I. 1968/1656, **arts. 2(1)(d), 3(2)** and now again exercisable by the Treasury by virtue of S.I. 1981/1670, **arts. 2(1)(d), 3(5)**

## 7 Savings, etc.

- (1) The transfer of any jurisdiction to the Lands Tribunal by or under this Act shall not affect the principles on which any question is to be determined or the persons on whom the determination is binding, or any provision which requires particular matters to be expressly dealt with or embodied in the determination, or which relates to evidence . . .  
F32
- (2) The transfer to the Lands Tribunal by subsection (4) of section one of this Act, or by an Order in Council under section four thereof, of any jurisdiction conferred on some other tribunal or person by an instrument made under any Act shall not be taken as affecting the power by virtue of which that instrument was made, and the provision conferring that power shall accordingly have effect as from the transfer as if it directed the jurisdiction to be exercised by the Lands Tribunal as provided by or under this Act, except in so far as provision to the contrary is thereafter made in pursuance of the said power.
- (3) Nothing in this Act shall affect the operation of any enactment applying or giving power to apply the Acquisition of Land Act or any provision thereof in relation to the exercise of a jurisdiction not transferred by or under this Act, except that any enactment applying or giving power to apply subsection (2) of section five of that Act as aforesaid shall have the like operation in relation to section five of this Act.

#### Textual Amendments

- F32** Words repealed by Land Compensation Act 1961 (c. 33), **Sch 5**; and Land Compensation (Scotland) Act 1963 (c.51), **Sch. 4**

## 8 Interpretation.

- (1) In this Act—
  - “the Acquisition of Land Act” means the <sup>M10</sup>Acquisition of Land (Assessment of Compensation) Act 1919;
  - “arbitrator”, in relation to Scotland, means arbiter;

F33

*Status: Point in time view as at 02/05/2000.*

*Changes to legislation: There are currently no known outstanding effects for the Lands Tribunal Act 1949. (See end of Document for details)*

- (2) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as referring to that enactment as amended, extended or applied by any other enactment.
- (3) Any power under this Act to make rules shall be exercisable by statutory instrument, . . . <sup>F34</sup>

#### Textual Amendments

- F33** The definition of “barrister-at-law” repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(7), [Sch. 20](#)
- F34** Words repealed by [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c. 35\)](#), [Sch. 11 Pt. III](#)

#### Marginal Citations

- M10** 1919 c. 57.

## 9 Application to Northern Ireland.

- (1) This Act shall not affect the law in force in Northern Ireland, except in relation to the transfer of any jurisdiction to the Lands Tribunal under section four thereof and in relation to any jurisdiction so transferred.
- (2) The said section four in its application to Northern Ireland shall not authorise the transfer of any jurisdiction to the Lands Tribunal if it appears to His Majesty that the jurisdiction relates exclusively to matters with respect to which the Parliament of Northern Ireland has power to make laws.
- (3) The supplementary and consequential provisions authorised by subsection (3) of the said section four to be contained in an Order in Council under that section shall include provisions for the following purposes, that is to say, for the hearing by His Majesty’s Court of Appeal in Northern Ireland of cases stated under subsection (4) of section three of this Act, for the taxation by an officer of the Supreme Court of Judicature of Northern Ireland of any such costs as are referred to in subsection (5) of the said section three and for the application and adaptation of enactments of the Parliament of Northern Ireland.

#### Modifications etc. (not altering text)

- C12** Reference to matters with respect to which Parliament of Northern Ireland has power to make laws to be construed as reference to matters with respect to which that Parliament would have had power to make laws if [The Northern Ireland Constitution Act 1973 \(c. 36\)](#) had not been passed: *ibid.*, s. 40(2)

## 10 Short title, commencement transitional provisions and repeal.

- (1) This Act may be cited as the Lands Tribunal Act 1949.
- (2) Sections one to four of this Act shall come into force on such day as His Majesty may by Order in Council appoint, and different days may be appointed for Scotland and for the remainder of the United Kingdom.
- (3) References in this Act to the commencement thereof refer, in relation to any part of the United Kingdom, to the beginning of the day so appointed for that part, and

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the following provisions shall have effect as respects proceedings begun before the commencement of this Act, namely:—

- (a) subsection (2) of section six of the Acquisition of Land Act shall not apply to any decision of the High Court or of either division of the Court of Session giving the opinion of that court or division on a case stated under that section except a decision given before the date of the passing of this Act, and there shall be the same right of appeal against any such decision given on or after that date as against the final decision of an action in that court or division:

..... F35

- (b) section five of this Act shall have effect with the modifications necessary to adapt it to proceedings before an official arbitrator instead of the Lands Tribunal.

- (4) The enactments specified in the Second Schedule to this Act are hereby repealed, as from the commencement of this Act, to the extent specified in the third column of that Schedule:

Provided that (without prejudice to the operation either of any provision of [<sup>F36</sup>the <sup>M11</sup>Interpretation Act 1978], as to the effect of repeals or of any provision of this Act giving power to make rules as to pending proceedings) the repeal of any enactment by this section shall not affect its operation in cases where a decision has been given before the commencement of this Act, so far as relates to appeals, cases stated, costs or fees.

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**Textual Amendments**

**F35** S. 10(3)(a) proviso repealed by [Tribunals and Inquiries Act 1958 \(c. 66\)](#), **Sch. 2 Pt. I**

**F36** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), **s. 25(2)**

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**Modifications etc. (not altering text)**

**C13** 1.1.1950 (U.K. except S.) and 1.3.1971 (S.) appointed under s. 10(2) by [S.I. 1949/2335](#) (1949 I, p. 2420) and 1971/215 respectively.

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**Marginal Citations**

**M11** [1978 c. 30](#).

**Status:**

Point in time view as at 02/05/2000.

**Changes to legislation:**

There are currently no known outstanding effects for the Lands Tribunal Act 1949.