



# Lands Tribunal Act 1949

1949 CHAPTER 42 12 13 and 14 Geo 6

## 4 Power to add to jurisdiction of [<sup>F1</sup>Upper Tribunal or Lands Tribunal for Scotland]<sup>F1</sup>.

(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 [<sup>F2</sup> Upper Tribunal or the Lands Tribunal for Scotland (“the transferee Tribunal”)]<sup>F2</sup> if it appears to His Majesty—

- (a) that the questions are appropriate for the [<sup>F3</sup>transferee Tribunal]<sup>F3</sup> 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 [<sup>F3</sup>transferee Tribunal]<sup>F3</sup> 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:

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.

[<sup>F4</sup>(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.]

<sup>F4</sup>(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.

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*Changes to legislation: There are currently no known outstanding effects for the Lands Tribunal Act 1949, Section 4. (See end of Document for details)*

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- (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 [<sup>F5</sup>transferee Tribunal]<sup>F5</sup> 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) [<sup>F6</sup>in relation to the Lands Tribunal for Scotland,]<sup>F6</sup> 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 [<sup>F5</sup>transferee Tribunal]<sup>F5</sup>, 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.

[<sup>F7</sup>(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.]

<sup>F7</sup>(5) Where the Lands Tribunal [<sup>F8</sup>for Scotland]<sup>F8</sup> 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.

#### Textual Amendments

- F1** Words in s. 4 title substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 14(a)** (with art. 5)
- F2** Words in s. 4(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 14(b)(i)** (with art. 5)
- F3** Words in s. 4(1)(a)(b) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 14(b)(ii)** (with art. 5)
- F4** S. 4(2A) inserted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 14(c)** (with art. 5)
- F5** Words in s. 4(4)(a)(c) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 14(d)(i)** (with art. 5)

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- F6** Words in s. 4(4)(b) inserted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 14(d)(ii)** (with art. 5)
- F7** S. 4(4A) inserted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 14(e)** (with art. 5)
- F8** Words in s. 4(5) inserted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 14(f)** (with art. 5)

**Changes to legislation:**

There are currently no known outstanding effects for the Lands Tribunal Act 1949, Section 4.