
STATUTORY INSTRUMENTS

1996 No. 1021

LANDS TRIBUNAL

The Lands Tribunal (Fees) Rules 1996

Made - - - - *1st April 1996*

Coming into force - - *1st May 1996*

The Lord Chancellor, in exercise of the powers conferred on him by section 3 of the Lands Tribunal Act 1949⁽¹⁾, after consultation with the Council on Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992⁽²⁾, and with the approval of the Treasury, hereby makes the following Rules—

1. These Rules may be cited as the Lands Tribunal (Fees) Rules 1996 and shall come into force on 1st May 1996.

2.—(1) The “1996 Rules” means the Lands Tribunal Rules 1996⁽³⁾ and any reference to a rule by number alone shall be construed as a reference to the rule so numbered in the 1996 Rules.

(2) Any reference to a hearing in the Schedule to these Rules shall include a reference to the procedure under rule 27 (*Determination of proceedings without a hearing*) and the fee shown as payable for a hearing in the said Schedule shall be payable where the matter is determined in accordance with rule 27.

3. The fees to be taken in respect of proceedings before the Lands Tribunal shall be those specified in the Schedule to these rules.

4. The hearing fee shall, unless the Tribunal otherwise directs, be payable by the party by whom the proceedings were instituted (without prejudice to his right to recover the amount of the fee from any other party by virtue of any order as to costs) on receipt of notification from the registrar.

5. The proceedings referred to in paragraph 1(1), 6(2), 6(3), and 6(5) of the Schedule do not include an appeal against a determination by the Commissioners of Inland Revenue under the Finance (1909–1910) Act 1910⁽⁴⁾ or under the Finance Act 1975⁽⁵⁾ or a reference under section 47(1) or section 47A of the Taxes Management Act 1970⁽⁶⁾.

(1) 1949 c. 42; section 3 was amended by the Local Government, Planning and Land Act 1980 (c. 65), Schedule 33, paragraph 3; by the Land Compensation Act 1960 (c. 33), Schedule 5 and by the Tribunals and Inquiries Act 1992 (c. 53), section 18. Schedule 5 to the Land Compensation Act was repealed by Part XI of the Schedule to the Statute Law (Repeals) Act 1974 (c. 22).

(2) 1992 c. 53.

(3) S.I. 1996/1022.

(4) 1910 c. 8 (10 Edw 7 & 1 Geo 5).

(5) 1975 c. 7.

(6) 1970 c. 9.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Dated 27th March 1996

Mackay of Clashfern, C.

We approve

Dated 1st April 1996

Derek Conway
Bowen Wells
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

FEES

<i>Item</i>	<i>Fee</i> £
<i>Notices of reference and appeal, and applications</i>	
1. —	50
(1) Lodging a Reference or an Appeal (other than a Rating Appeal)	
On lodging a notice of reference under rule 10 or a notice of appeal (not being a rating appeal) under rule 6—	
(2) Lodging an Absent Owner Application	100
On lodging an application for a determination under Schedule 2 to the Compulsory Purchase Act 1965(7) or section 58 of the Land Clauses Consolidation Act 1845(8) (inclusive of the determination)—	
2. Lodging a Rating Appeal	
On lodging a notice of appeal under rule 6 from the decision of a tribunal empowered to hear rating appeals—	
1% of rateable value, subject to	
minimum fee	50
maximum fee	5,000
3. Lodging a Restrictive Covenant Application	200
On lodging an application under rule 13 in respect of section 84 of the Law of Property Act 1925(9) (Relief from Restrictive Covenants affecting land)—	
4. Lodging a Rights of Light Application	
On lodging an application under rule 21 in respect of section 2 of the Rights of Light Act 1959(10) —	
(1) for a definitive certificate	250

(7) 1965 c. 56.

(8) 1845 c. 18. Section 58 of the 1845 Act was amended by paragraph 1(1) of Schedule 2 to the Compulsory Purchase Act 1965 (c. 56).

(9) 1925 c. 20.

(10) 1959 c. 56.

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<i>Item</i>	<i>Fee</i>
	£
(2) for a temporary and definitive certificate	300
5. Interlocutory or Consent Order Application	
On an application to the President, Tribunal or registrar—	
(1) Interlocutory application (rule 38)	40
(2) Consent order application (which is an application to which all parties consent, disposing of the proceedings) (rule 51)	100
<i>Hearing Fees</i>	
6. —	
(1) Hearing a Rating Appeal	
On the hearing of an appeal from the decision of a tribunal empowered to hear rating appeals—	
5% of rateable value as determined in the final order of the Tribunal, subject to	
minimum fee	100
maximum fee	5,000
(2) Hearing a Reference or other Appeal (excluding one where the hearing fee is calculated on the basis of rental value)	
On the hearing of a reference or an appeal against a determination or on an application for a certificate of value—	
2% of amount awarded or determined by the Tribunal, agreed by the parties following a hearing or determined in accordance with rule 27, subject to	
minimum fee	100
maximum fee	5,000
(3) Hearing a Reference or other Appeal (where the hearing fee is calculated on the basis of rental value)	
On the hearing of a reference or an appeal against a determination where the award is in terms of rent or other annual payment—	
2% of annual rent or other payment, determined by the Tribunal, agreed by the parties following	

<i>Item</i>	<i>Fee</i>
	£
a hearing or determined in accordance with rule 27, subject to	
minimum fee	100
maximum fee	5,000

(4) Determining a Restrictive Covenant Application

On the hearing of an application or the making of any order under section 84 of the Law of Property Act 1925 (“the 1925 Act”) (Relief from Restrictive Covenants affecting land)—

- (a) (a) a hearing as to entitlement under section 84(3A)(11) of the 1925 Act 250
 - (b) (b) order without a hearing (rule 17(2) and 17(3)) 250
 - (c) (c) substantive hearing of an originating application 350
 - (d) (d) engrossing Minutes of Order 100
- (5) Hearing (No Amount Awarded) 200**

On the hearing or preliminary hearing of any other reference or appeal (not being the determination of an application under paragraph 6(4) above) where either the amount determined is nil or the determination is not expressed in terms of an amount—

Copies of Documents

7. For a photocopy or certified copy of a document, or for examining a plain copy and marking as a certified copy,
 emsp;for each page— 1

8. For supplying published decisions to subscribers,
 for each page— 0.10

Other fees

9. Case Stated (Order 61 Rules of the Supreme Court 1965(12)) 100

On applying for a case to be stated for the decision of the Court of Appeal

(11) Subsection (3A) of section 84 of the Law of Property Act 1925 was inserted by section 28 of the Law of Property Act 1969.

(12) S.I. 1965/1776, the relevant amending instrument is 1981/1734.

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<i>Item</i>	<i>Fee</i>
	£
10. Taxation of Costs	
On a taxation of costs, (rule 52(4))	
for every £1 or part thereof allowed—	0.05
<i>Directions for payment</i>	
11. A notice, application or other document in respect of which a fee is payable shall, if sent by post, be accompanied by a cheque or postal order drawn in favour of Her Majesty's Paymaster General for the amount of the fee.	

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules provide for a new scale of fees to be taken in proceedings before the Lands Tribunal, following the revocation of the Lands Tribunal Rules 1975 (S.I. 1975/299) by the Lands Tribunal Rules 1996, which contain the rules of procedure of the Tribunal. The 1975 Rules incorporated both rules of procedure and fees.

The fees were amended by the Lands Tribunal (Amendment) Rules 1977 (S.I. 1977/1820), 1984 (S.I. 1984/793), 1986 (S.I. 1986/1322) and 1990 (S.I. 1990/1382). These Rules are revoked by the 1996 Rules.

A summary of the old and new fees is set out below—

SUMMARY OF OLD AND NEW FEES PAYABLE IN THE LANDS TRIBUNAL

	OLD FEE from 1 August 1990	NEW FEE from 1 May 1996
1(1). LODGING AN APPEAL (other than a rating appeal) OR A REFERENCE	£30	£50
1(2). LODGING AN ABSENT OWNER APPLICATION	£50	£100
2. LODGING A RATING APPEAL		
Rateable value up to £500	£10	1% of rateable
over £500 up to £1,250	£35	value subject to

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	OLD FEE from 1 August 1990	NEW FEE from 1 May 1996
over £1,250 up to £5,000	£100	minimum fee £50
over £5,000 up to £50,000	£150	maximum fee £5,000
over £50,000	£500	
3. LODGING A RESTRICTIVE COVENANT APPLICATION	£120	£200
4. LODGING A RIGHTS TO LIGHT APPLICATION		
(1) for a definitive certificate	£110	£250
(2) for a temporary and definitive certificate	£120	£300
5. INTERLOCUTORY OR CONSENT ORDER APPLICATION		
(1) Interlocutory application	£20	£40
(2) Consent Order application	£20	£100
6(1). HEARING A RATING APPEAL		
Where rateable value		
does not exceed £500	£17	5% of rateable value (as exceeds
£500 but not £1,000	£45	determined by the
exceeds £1,000 but not £5,000	£90	Tribunal or agreed by the
exceeds £5,000		parties following a
for the first £5,000	£90	hearing) subject to a
for every £200 or fraction of £200 over £5,000	£10	minimum fee of £100 and
Maximum fee £3,000	£3,000	maximum fee of £5,000
6(2). HEARING A REFERENCE OR OTHER APPEAL (NOT RENTAL VALUES)		
Where the amount awarded		2% of the amount
does not exceed £500	£28	awarded (determined by
exceeds £500		the Tribunal or agreed by
for the first £500	£28	the parties following a
		hearing) subject to a

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	OLD FEE from 1 August 1990	NEW FEE from 1 May 1996
for every £100 or fraction of £100 over £500	£2	minimum fee of £100 and
subject to a maximum fee of £3,000	£3,000	maximum fee of £5,000
6(3). HEARING A REFERENCE OR OTHER APPEAL (RENTAL VALUES)		
Where the amount awarded does not exceed £100 per annum		
exceeds £100 per annum	£22	
for the first £100 per annum		2% of rent or other
for every £100 or fraction of £100 over £100	£22	payment subject to a
per annum	£1	minimum fee of £100 and
maximum fee £2,000	£2,000	maximum fee of £5,000
6(4). DETERMINING A RESTRICTIVE COVENANT APPLICATION		
A hearing as to entitlement (section 84(3A) Law of Property Act 1925)	Nil	£250
Order without a hearing	£150	£250
Substantive hearing of an originating application	£150	£350
Engrossing Minutes of Order	Nil	£100
6(5). HEARING (NO AMOUNT AWARDED)	£50	£200
7. COPIES OF DOCUMENTS	£0.25–£1	£1
8. SUPPLYING PUBLISHED DECISIONS TO SUBSCRIBERS		
For supplying published decisions to subscribers, for each page	£0.25	£0.10

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	OLD FEE from 1 August 1990	NEW FEE from 1 May 1996
CASE STATED	£20	£100
9. On a case for the decision of the Court of Appeal		
TAXATION OF COSTS	£0.05	£0.05
10. On a taxation of costs or expenses, for every £1 or part thereof		