

2002 No. 770

LANDS TRIBUNAL, ENGLAND AND WALES

The Lands Tribunal (Fees) (Amendment) Rules 2002

Made - - - - - *21st March 2002*

Coming into force *1st May 2002*

The Lord Chancellor, in exercise of the powers conferred on him by section 3 of the Lands Tribunal Act 1949^(a) and section 128 of the Finance Act 1990^(b), after consultation with the Council on Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992^(c), and with the approval of the Treasury, makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Lands Tribunal (Fees) (Amendment) Rules 2002 and shall come into force on 1st May 2002.

(2) In these Rules, “the 1996 Fees Rules” mean the Lands Tribunal (Fees) Rules 1996^(d).

Amendment to the 1996 Fees Rules

2. After rule 5 of the 1996 Fees Rules there shall be inserted the following rules—

“**6.** Where it appears to the Lord Chancellor that the payment of any fee prescribed by these Rules would, owing to the exceptional circumstances of the particular case, involve undue financial hardship, he may reduce or remit the fee in that case.

7.—(1) Subject to paragraph (2), where a fee has been paid on or after 1st May 2002 at a time—

- (a) where the Lord Chancellor, if he had been aware of all the circumstances, would have reduced the fee under rule 6, the amount by which the fee would have been reduced shall be refunded; or
- (b) where the Lord Chancellor, if he had been aware of all the circumstances, would have remitted the fee under rule 6, the fee shall be refunded.

(2) No refund shall be made under paragraph (1) unless the party who paid the fee applies for it within 6 months of paying the fee.

(3) The Lord Chancellor may extend the period of 6 months referred to in paragraph (2) if he considers that there is good reason for an application being made after the end of the period of 6 months, and he may do so notwithstanding that the period has expired.”

^(a) 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 1961 (c.33), Schedule 5; and by the Arbitration Act 1996 (c.23), Schedule 3, paragraph 6. Schedule 5 to the Land Compensation Act 1961 was repealed by Part XI of the Schedule to the Statute Law (Repeals) Act 1974 (c.22). There are other amendments to section 3 that are not relevant to this instrument.

^(b) 1990 c.29.

^(c) 1992 c.53.

^(d) S.I. 1996/1021.

Transitional provision

3.—(1) In this rule “applicable fee” means a fee paid under the 1996 Fees Rules on or after 1st November 2001 but before 1st May 2002 and “rule 6” means rule 6 of the 1996 Fees Rules.

(2) Subject to paragraph (3)—

- (a) an applicable fee shall be refunded where, if rule 6 had been in force when the fee was paid, the Lord Chancellor would have remitted the fee; and
- (b) where the Lord Chancellor would have reduced the applicable fee if rule 6 had been in force when the fee was paid, the amount by which the applicable fee would have been reduced shall be refunded.

(3) No refund shall be made under paragraph (2) unless the party who paid the fee applies for it before 1st November 2002.

Signed by authority of the Lord Chancellor

Dated 19th March 2002

Rosie Winterton
Parliamentary Secretary
Lord Chancellor’s Department

We approve

Dated 21st March 2002

Graham Stringer
Anne McGuire
Two of the Lords Commissioners
of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Lands Tribunal (Fees) Rules 1996 by inserting new rules 6 and 7. The new rule 6 provides for the reduction or remission of fees in exceptional circumstances involving undue financial hardship. The new rule 7 provides for refunding a fee where it would have been reduced or remitted under the new rule 6 if all the circumstances had been known at the time the fee was paid.

A transitional provision allows for refunding the whole or part of a fee paid on or after 1st November 2001 but before 1st May 2002 where it would have been reduced or remitted if the new rule 6 had been in force when it was paid.

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