

2003 No. 2945

LANDS TRIBUNAL, ENGLAND AND WALES

The Lands Tribunal (Amendment) Rules 2003

Made - - - - - 13th November 2003

Coming into force in accordance with rule 1

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

Citation, commencement and interpretation

1. These Rules may be cited as the Lands Tribunal (Amendment) Rules 2003 and shall come into force on 7th December 2003 in relation to England and shall come into force in relation to Wales on the coming into force of section 175 of the 2002 Act for Wales.
2. In these Rules—
 - (a) a reference to a rule by number alone is a reference to the rule so numbered in the Lands Tribunal Rules 1996(c); and
 - (b) “the 2002 Act” means the Commonhold and Leasehold Reform Act 2002(d).

Amendments to the Lands Tribunal Rules 1996

3. After rule 5 for the heading “Part IIA Applications for Leave to Appeal” substitute “Part IIA Applications for Permission to Appeal”.
4. In rule 5A—
 - (a) for “leave”, substitute “permission”; and
 - (b) for “section 31A of the Landlord and Tenant Act 1985 or section 24A of the Landlord and Tenant Act 1987”, substitute “section 175 of the Commonhold and Leasehold Reform Act 2002”.
5. In rule 5F—
 - (a) for “leave”, wherever it occurs, substitute “permission”; and

(a) 1949 c. 42; section 3 was amended by the Land Compensation Act 1961 (c. 33), Schedule 5; by the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35), section 50(2); by the Transfer of Functions (Secretary of State and Lord Advocate) Order 1972 (S.I.1972/2002), article 3(3); by the Land Tenure Reform (Scotland) Act 1974 (c. 38), section 19; by the Local Government, Planning and Land Act 1980 (c. 65), Schedule 33, paragraph 3; by the Tribunals and Inquiries Act 1992 (c. 53), section 18; by the Arbitration Act 1996 (c. 23), Schedule 3; and by the Civil Procedure (Modification of Enactments) Order 2000 (S.I. 2000/941). Schedule 5 of the Land Compensation Act 1961 was repealed by Part XI of the Schedule to the Statute Law (Repeals) Act 1974 (c. 22).

(b) 1992 c. 53.

(c) S.I. 1996/1022, there are relevant amendments in S.I. 1997/1965.

(d) 2002 c. 15.

(b) in subparagraph (1), omit “including conditions relating to the costs of the appeal”.

6. In rules 5B, 5C, 5D, 5E, 5G, 5H and 6 for “leave”, wherever it occurs, substitute “permission”.

7. In rule 28(11) for “apply” substitute “or subsections (6) and (7) of section 175 of the Commonhold and Leasehold Reform Act 2002 apply”.

8. In rule 52(1) after “1961 Act”, insert “, subsections (6) and (7) of section 175 of the Commonhold and Leasehold Reform Act 2002”.

Transitional provisions and savings

9.—(1) Where an appeal from a leasehold valuation tribunal, which sat in Wales, has been commenced before the coming into force of section 175 of the 2002 Act for Wales, the Lands Tribunal Rules 1996 shall apply to that appeal as if these Rules had not been made.

(2) For the purposes of paragraph (1) an appeal is commenced when—

(a) an application for leave to appeal has been made in accordance with rule 5C; or

(b) an appeal has been made in accordance with rule 6.

Signed by authority of the Lord Chancellor

13th November 2003

Lord Filkin
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules give effect to section 175 of the Commonhold and Leasehold Reform Act 2002 which provides that permission to appeal to the Lands Tribunal from a leasehold valuation tribunal is required in all cases and that a party may not be ordered to pay costs in such appeals unless the Tribunal considers that he has “acted frivolously, vexatiously, abusively, disruptively or otherwise unreasonably in connection with the appeal” (section 175(6)).

In addition minor amendments have been made to the 1996 Rules to bring them in line with the terminology of the 2002 Act.

Rule 9 provides that the 1996 Rules shall apply to appeals commenced before the coming into force of section 175 in relation to Wales as if these Rules had not been made. This rule will ensure that the existing Rules shall continue to apply to appeals commenced before the coming into force of section 175 in relation to Wales.

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