
STATUTORY INSTRUMENTS

2010 No. 2600

**The Tribunal Procedure (Upper
Tribunal) (Lands Chamber) Rules 2010**

PART 5

References

[^{F1}Interpretation

26A. In this Part, “reference” includes—

- (a) proceedings under Schedule 3A to the Communications Act 2003; and
- (b) proceedings under the Riot Compensation Act 2016.]

Textual Amendments

F1 [Rule 26A](#) inserted (coming into force in accordance with rule 3 of the amending S.I.) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2017 \(S.I. 2017/1168\)](#), rules 1, **25**

Application of Part 5

27. Part 5 applies to any proceedings allocated to the Tribunal except—

- (a) an application for permission to appeal, or an appeal, against the decision of another tribunal;
- (b) an application to which Part 6 (applications under section 84 of the Law of Property Act 1925) or Part 7 (applications under section 2 of the Rights of Light Act 1959) applies;
- (c) proceedings to which Part 8 (proceedings, including judicial review proceedings, transferred to the Tribunal) applies.

Notice of reference

28.—(1) Proceedings to which this Part applies must be started by way of reference made by sending or delivering to the Tribunal a notice of reference.

(2) The parties to the proceedings are the person making the reference and any person named as a party in the notice of reference.

(3) The notice of reference must be signed and dated and must state—

- (a) the name and address of the person making the reference and, if represented,—
 - (i) the name and address of that person's representative; and
 - (ii) the professional capacity, if any, in which the person's representative acts;
- (b) an address where documents for the person making the reference may be sent or delivered;

- [^{F2}(bb) the name and address of any person named as a party other than the person making the reference;]
- (c) the address or description of the land to which the reference relates;
- [^{F3}(d) the name and address of every person—
- (i) with an interest in the land or property; or
- (ii) in occupation of the land or property.]
- [^{F4}(e) the nature of the—
- (i) interest in the land or property; and
- (ii) the right of occupation;]
- (f) the statutory provision under which the reference is made (unless the reference is a reference by consent under section 1(5) of the 1949 Act);
- (g) if the reference is made by a claimant for compensation or other monetary award, the amount claimed, an explanation of how that amount is calculated and a summary of the reasons for making that claim;
- (h) the matter on which the person making the reference seeks the determination of the Tribunal and a summary of the reasons for seeking that determination [^{F5}and, where the reference is an appeal under the Riot Compensation Act 2016, the grounds of appeal on which the applicant relies.]; and
- (i) whether the person making the reference wants the reference to be determined without a hearing.
- (4) The person making the reference must provide with the notice of reference—
- (a) a copy of the order or other documents in consequence of which the reference is made including any agreement conferring jurisdiction on the Tribunal;
- (b) if the reference relates to compensation payable on the compulsory acquisition of land, a copy of any—
- (i) notice to treat that has been served;
- (ii) notice of entry that has been served; and
- (iii) notice of claim and amendments to it delivered to the acquiring authority in pursuance of section 4 of the 1961 Act; and
- (c) the fee payable to the Tribunal.
- (5) The person making the reference must provide with the notice of reference sufficient copies for every other person named as a party in the notice of reference, of—
- (a) the notice of reference; and
- (b) the documents listed in paragraph (4).
- (6) A notice of reference in relation to compensation payable on the compulsory acquisition of land may not be sent or delivered to the Tribunal earlier than 1 month after the date of service or deemed service under section 7 of the Compulsory Purchase (Vesting Declarations) Act 1981 ^{M1} of the notice to treat, or, if no such notice is served or deemed in accordance with any enactment to be served, of the notice of claim.
- (7) The notice of reference must be sent or delivered so that it is received by the Tribunal within 1 month of—
- (a) the date of service of a counter-notice, where the reference is made under section 153(1) of the Town and Country Planning Act 1990 ^{M2};

- (b) the date of issue of notice of the decision or findings to which the reference relates, where the reference is made under regulation 7(1) or 12(3) of the Town and Country Planning (Compensation and Certificates) Regulations 1974 ^{M3};
 - (c) the date of the Secretary of State's determination, where the reference is made under regulation 15(1) of the Town and Country Planning (Compensation and Certificates) Regulations 1974;
 - [^{F6}(d) the date of issue of the certificate, where the reference is made under section 18(1) of the 1961 Act];
 - [^{F7}(e) the date of the decision against which the appeal is brought, where the reference is an appeal under the Riot Compensation Act 2016.]
- (8) When the Tribunal receives a reference, it must send copies of the notice and the accompanying documents to the persons named in the notice.

Textual Amendments

- F2** Rule 28(3)(bb) inserted (coming into force in accordance with rule 3 of the amending S.I.) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2017 \(S.I. 2017/1168\)](#), [rules 1](#), [26\(a\)\(i\)](#)
- F3** Rule 28(3)(d) substituted (coming into force in accordance with rule 3 of the amending S.I.) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2017 \(S.I. 2017/1168\)](#), [rules 1](#), [26\(a\)\(ii\)](#)
- F4** Rule 28(3)(e) substituted (coming into force in accordance with rule 3 of the amending S.I.) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2017 \(S.I. 2017/1168\)](#), [rules 1](#), [26\(a\)\(iii\)](#)
- F5** Words in rule 28(3)(h) inserted (coming into force in accordance with rule 3 of the amending S.I.) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2017 \(S.I. 2017/1168\)](#), [rules 1](#), [26\(a\)\(iv\)](#)
- F6** Rule 28(7)(d) inserted (6.4.2012) by [The Tribunal Procedure \(Amendment\) Rules 2012 \(S.I. 2012/500\)](#), [rules 1\(2\)](#), [6\(3\)](#)
- F7** Rule 28(7)(e) inserted (coming into force in accordance with rule 3 of the amending S.I.) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2017 \(S.I. 2017/1168\)](#), [rules 1](#), [26\(b\)](#)

Marginal Citations

- M1** 1981 c. 66
- M2** 1990 c. 8
- M3** S.I. 1974/1242

Response to notice of reference

29.—(1) A person to whom the Tribunal sends a copy of the notice of reference must, within 1 month of the Tribunal sending the notice, send or deliver to the Tribunal and the party who made the reference a response to the notice of reference.

(2) The response to the notice of reference must be signed and dated and must state whether the person making the response intends to take part in the proceedings and, if so, must—

- (a) state their name and address and, if represented,—
 - (i) the name and address of their representative; and
 - (ii) the professional capacity, if any, in which the representative acts;
- (b) provide an address where documents for the person making the response may be sent or delivered;
- (c) provide a summary of the contentions of the person making the response in relation to the reference;

- (d) if the person making the response is a claimant and the claim is for compensation or a monetary award, the amount claimed, an explanation of how that amount is calculated and a summary of the reasons for making that claim; and
 - (e) whether the person making the response wants the reference to be determined without a hearing.
- (3) After receipt of a response to a notice of reference the Tribunal must direct either—
- (a) that the person who made the reference and any person making a response must, within such period as is stated in the direction, send or deliver to the Tribunal and each other party a statement of case that complies with the requirements of any practice direction; or
 - (b) that the notice of reference and any response to a notice of reference shall stand as the statement of case of the party that gave the notice or made the response.

References by consent: application of the Arbitration Act 1996

30. If the reference is by consent under section 1(5) of the 1949 Act and the parties have not agreed otherwise, the following provisions of the Arbitration Act 1996 apply to the proceedings—

- (a) section 8 (whether agreement discharged by death of a party);
- (b) section 9 (stay of legal proceedings);
- (c) section 10 (reference of interpleader issue to arbitration);
- (d) section 12 (power of court to extend time for beginning arbitral proceedings, etc.);
- (e) section 23 (revocation of arbitrator's authority);
- ^{F8}(f)
- (g) section 57 (correction of award or additional award) in so far as it relates to costs and so that the reference to “award” includes a reference to any decision of the Tribunal; [^{F9}and]
- (h) section 60 (agreement to pay costs in any event)[^{F10}.]
- ^{F11}(i)

Textual Amendments	
F8	Rule 30(f) omitted (1.7.2013) by virtue of The Tribunal Procedure (Amendment No. 3) Rules 2013 (S.I. 2013/1188) , rules 1, 5(a) (with rule 10)
F9	Word in rule 30(g) inserted (1.7.2013) by The Tribunal Procedure (Amendment No. 3) Rules 2013 (S.I. 2013/1188) , rules 1, 5(b) (with rule 10)
F10	Full stop in rule 30(h) substituted (1.7.2013) by The Tribunal Procedure (Amendment No. 3) Rules 2013 (S.I. 2013/1188) , rules 1, 5(c) (with rule 10)
F11	Rule 30(i) omitted (1.7.2013) by virtue of The Tribunal Procedure (Amendment No. 3) Rules 2013 (S.I. 2013/1188) , rules 1, 5(d) (with rule 10)

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, PART 5.