
STATUTORY INSTRUMENTS

2013 No. 1169

The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013

PART 1

Introduction

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and come into force on 1st July 2013.

(2) These Rules apply to proceedings before the Property Chamber of the First-tier Tribunal.

(3) In these Rules—

“the 1983 Act” means the Mobile Homes Act 1983 ^{M1};

“the 1986 Act” means the Agricultural Holdings Act 1986 ^{M2};

“the 1991 Act” means the Land Drainage Act 1991 ^{M3};

“the 2002 LR Act” means the Land Registration Act 2002;

“the 2004 Act” means the Housing Act 2004 ^{M4};

“the 2007 Act” means the Tribunals, Courts and Enforcement Act 2007.

“agricultural land and drainage case” means any case in respect of which the Tribunal has jurisdiction conferred—

(a) by or under any enactment specified in section 6A(2) of the Agriculture (Miscellaneous Provisions) Act 1954 ^{M5}; or

(b) by the Hill Farming Act 1946 ^{M6};

“applicant” means—

(a) the person who commences Tribunal proceedings, whether by making an appeal, an application, an objection or otherwise;

(b) where an issue in proceedings before a court is transferred by order of the court to the Tribunal, the claimant or applicant in those proceedings;

(c) where proceedings before another tribunal are transferred to the Tribunal, the claimant or applicant in those proceedings;

(d) in a land registration case, the party which the Tribunal has specified as applicant under rule 28(3)(c);

(e) a person who is added or substituted as an applicant under rule 10;

and “application” bears a corresponding meaning;

“designated applicant” in relation to agricultural land and drainage cases means a person who is validly designated by the deceased in the deceased's will in accordance with section 39(4) of the 1986 Act;

“document” means anything in which information is recorded in any form, and an obligation under these Rules or any practice direction or direction to provide or allow access to a document or a copy of a document for any purpose means, unless the Tribunal directs otherwise, an obligation to provide or allow access to such document or copy in a legible form or in a form which can be readily made into a legible form;

“hearing” means an oral hearing and includes a hearing conducted in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication;

“holding” means land (including a ditch) in respect of which an application under the 1986 Act is made;

“IMO authorisation application” means an application for authorisation to make an interim management order under section 102(4) or (7) of the 2004 Act, and “IMO” bears a corresponding meaning;

“interested person”—

- (a) in relation to an agricultural land and drainage case under section 39 of the 1986 Act, includes—
 - (i) any other applicant under that section or any other person eligible to be such an applicant;
 - (ii) any personal representative of the deceased tenant, any person eligible to apply to be the personal representative of the deceased tenant or any person administering the estate of the deceased tenant;
- (b) in relation to a residential property case, means—
 - (i) a person other than the applicant who would have been entitled under the 2004 Act or the Housing Act 1985 ^{M7} to make the application;
 - (ii) a person to whom notice of the application must be given in accordance with the following provisions of the 2004 Act—
 - (aa) paragraph 11(2) of Schedule 1; or
 - (bb) paragraph 14(2) of Schedule 3;
 - (iii) a person to whom the Tribunal must give the opportunity of being heard in accordance with the following provisions—
 - (aa) section 34(4) of the 2004 Act; or
 - (bb) section 317(2) of the Housing Act 1985;
 - (iv) except in relation to an application made under the 1983 Act, the local housing authority, where it is not a party to the application;
 - (v) the person to whom the occupier wants to sell or gift a mobile home under [F1]paragraph 7B or 8B] of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act;
 - (vi) a qualifying residents' association;

“land registration case” means a case in respect of which the Tribunal has jurisdiction under the 2002 LR Act;

“leasehold case” means a case in respect of which the Tribunal has jurisdiction under any of the enactments specified in section 176A(2) of the Commonhold and Leasehold Reform Act 2002 ^{M8};

“official expert” means a person who for agricultural, drainage or similar expertise is engaged by the Secretary of State to report or act on behalf of the Secretary of State in connection with an application in an agricultural land case;

“original application” means the application originally made to the registrar under the 2002 LR Act that resulted in a reference;

“party” means a person who is, or if the proceedings have been concluded, a person who was, an applicant or respondent when the Tribunal finally disposed of all issues in the proceedings;

“practice direction” means a direction given under section 23 of the 2007 Act;

“qualifying residents' association” means an association that meets the requirements set out in Part 1 of Schedule 1 to the 1983 Act;

“rectification application” means an application to rectify or set aside a document under section 108(2) of the 2002 LR Act;

“registrar” means the Chief Land Registrar;

“residential property case” means a case in respect of which the Tribunal has jurisdiction conferred by or under [^{F2}the Caravan Sites and Control of Development Act 1960,] the 1983 Act, the Housing Act 1985 [^{F3}, the 2004 Act or the Housing and Planning Act 2016];

“respondent” means—

- (a) in an appeal against a decision, direction or order, the person who made the decision, direction or order appealed against;
- (b) a person against whom an applicant otherwise brings proceedings;
- (c) in a case referred to the Tribunal by a rent officer who has registered a rent under the Rent Act 1977, the landlord or the tenant, as the case may be, who has not objected to the rent which has been registered;
- (d) where an issue in proceedings before a court is transferred by order of the court to the Tribunal, the person who was the defendant or respondent in the court proceedings;
- (e) in relation to residential property cases [^{F4}, tenant fees cases] or leasehold cases listed in a Schedule to a practice direction, the person or persons, or one of the persons, identified as the respondent in the relevant Schedule to the practice direction;
- (f) in a land registration case—
 - (i) in a reference by the registrar, the party or parties which the Tribunal has specified as respondent under rule 28(3)(c);
 - (ii) in proceedings under section 108(2) of the 2002 LR Act, the party or parties making an objection to a rectification application;
 - (iii) in an appeal under paragraph 4 of Schedule 5 to the 2002 LR Act, the registrar;
- (g) a person added or substituted as a respondent under rule 10;

[^{F5}“tenant fees case” means an application brought under section 15 of the Tenant Fees Act 2019 (recovery by relevant person of amount paid) or an appeal brought under paragraph 6 of Schedule 3 to that Act (appeals against penalties);]

“Tribunal” means the First-tier Tribunal;

[^{F6}“unresponsive grantor case” means an application for an order under paragraph 27D of Part 4A (code rights in respect of land connected to leased premises: unresponsive occupiers) of Schedule 3A to the Communications Act 2003.]

F1 Words in rule 1(3) substituted (1.9.2014) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), [rules 1\(a\), 30\(a\)](#)

- F2** Words in rule 1(3) inserted (1.9.2014) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), rules 1(a), **30(b)**
- F3** Words in rule 1(3) substituted (27.7.2017) by [The Tribunal Procedure \(Amendment\) Rules 2017 \(S.I. 2017/723\)](#), rules 1, **4**
- F4** Words in rule 1(3) inserted (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019 \(S.I. 2019/925\)](#), rules 1(2), **5(2)(a)**
- F5** Words in rule 1(3) inserted (3.6.2019) by [The Tribunal Procedure \(Amendment\) Rules 2019 \(S.I. 2019/925\)](#), rules 1(2), **5(2)(b)**
- F6** Words in rule 1(3) inserted (1.11.2022) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/1030\)](#), rules 1, **4(2)**

Marginal Citations

- M1** 1983 c. 34
- M2** 1986 c. 5
- M3** 1991 c. 59
- M4** 2004 c. 34
- M5** 1954 c. 39. Section 6A was inserted by the Transfer of Tribunal Functions Order 2013, (S.I. 2013/1036).
- M6** 1946 c. 73
- M7** 1985 c. 68
- M8** 2002 c. 15. Section 176A was inserted by the Transfer of Tribunal Functions Order 2013 S.I. 2013/1036.

Rules not overriding enactments

2. Nothing in these Rules overrides any specific provision that is contained in an enactment which confers jurisdiction on the Tribunal.

Overriding objective and parties' obligation to co-operate with the Tribunal

3.—(1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes—

- (a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal;
- (b) avoiding unnecessary formality and seeking flexibility in the proceedings;
- (c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;
- (d) using any special expertise of the Tribunal effectively; and
- (e) avoiding delay, so far as compatible with proper consideration of the issues.

(3) The Tribunal must seek to give effect to the overriding objective when it—

- (a) exercises any power under these Rules; or
- (b) interprets any rule or practice direction.

(4) Parties must—

- (a) help the Tribunal to further the overriding objective; and
- (b) co-operate with the Tribunal generally.

Alternative dispute resolution and arbitration

- 4.—(1) The Tribunal should seek, where appropriate—
- (a) to bring to the attention of the parties the availability of any appropriate alternative procedure for the resolution of the dispute; and
 - (b) if the parties wish, and provided that it is compatible with the overriding objective, to facilitate the use of the procedure.
- (2) Part 1 of the Arbitration Act 1996 ^{M9} does not apply to proceedings before the Tribunal.

Marginal Citations

M9 1996 c. 23

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, PART 1.