



# Lands Tribunal and Compensation Act (Northern Ireland) 1964

## 1964 CHAPTER 29

### PART I

#### LANDS TRIBUNAL

#### 1 Establishment and constitution of Lands Tribunal.

- (1) There shall be established a tribunal to be called the Lands Tribunal for Northern Ireland (in this Act referred to as “the Lands Tribunal”) which shall be a court of record.
- (2) The Lands Tribunal shall consist of a President and such number, if any, of other members as the Ministry of Finance<sup>F1</sup> (in this Act referred to as “the Ministry”) may from time to time determine, to be appointed by the<sup>F2</sup> [<sup>F3</sup> Lord Chancellor].
- (3) The President shall be either a barrister-at-law of not less than seven years standing or a solicitor of the Supreme Court of Judicature in Northern Ireland of not less than seven years standing, and the other members of the Lands Tribunal shall be either barristers-at-law or solicitors of not less than seven years standing as aforesaid or persons who have had experience in the valuation of land.

**F1** Functions of D/Fin. exercisable with approval of D/CS, SR 1976/281

**F2** By [Justice \(Northern Ireland\) Act 2002 \(c.26\)](#), ss. 5(1), 87(1), [Sch. 3 para. 35](#) it is provided that in s. 1(2) for the words "Lord Chancellor" there is substituted (prosp.) the words "First Minister and deputy First Minister, acting jointly". (This amendment does not come into operation before the said amending Sch. 3 is subsequently substituted (12.4.2010) by the [Northern Ireland Act 2009 \(c. 3\)](#), [Sch. 3 para. 13](#); S.I. 2010/812, [art. 2](#). The new Sch. 3 of the [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#) does not amend other legislation, therefore this amendment never comes into operation.)

**F3** SI 1973/2163

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Lands Tribunal and Compensation Act (Northern Ireland) 1964, PART I. (See end of Document for details)*

## 2 Terms of appointment and remuneration, etc., of members.

- (1) <sup>F4</sup>Subject to [<sup>F5</sup> subsections (4) and (4A)], a member of the Lands Tribunal ... <sup>F6</sup>

*Para. (a) rep. by SI 1973/2163*

[<sup>F7</sup>(b) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (<sup>F8</sup> Lord Chancellor's power to authorise continuance in office up to the age of 75); and]

(c) [<sup>F9</sup> in] his appointment shall be subject to such other conditions as may be determined by the Ministry before his appointment or as may, after his appointment, be agreed to in writing by him with the Ministry.

- (2) A member of the Lands Tribunal shall not practise at the bar or as a solicitor or engage, whether directly or indirectly, or be a partner of any other person who engages, in any gainful profession, occupation or business which involves or may involve the valuation of or dealing in land but nothing in this subsection shall affect the operation of any rule of law disqualifying a person for acting in any matter on the ground of interest or bias.

- (3) A person who ceases to hold office as a member of the Lands Tribunal shall be eligible for re-appointment thereto.

<sup>F4</sup>(4) If a member of the Lands Tribunal becomes, in the opinion of the Governor<sup>F10</sup>, unfit to continue in office or incapable of performing his duties, the Governor<sup>F10</sup> shall forthwith declare his office to be vacant and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.

<sup>F4F11</sup>(4A) Without prejudice to subsection (4), a member of the Lands Tribunal holding office immediately before 1st January 1974 may be removed from office by Her Majesty upon an address presented to Her Majesty by both Houses of the Parliament of the United Kingdom.]

- (5) There shall be paid to the members of the Lands Tribunal appointed under section 1(2) such remuneration, and to a person who has been a member of the Lands Tribunal or in respect of the service of such a person such allowances and gratuities by way of superannuation, as may be determined by an Order in Council made under this subsection but the Governor<sup>F10F12</sup> shall not be recommended to make any such Order in Council until a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

[<sup>F7</sup>(5A) Subsection (5), so far as relating to allowances and gratuities by way of superannuation, shall not have effect in relation to persons to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.]

- (6) All sums payable under this section shall be charged on and issued out of the Consolidated Fund.

**F4** prosp. rep. by [2002 c.26](#)

**F5** [1978 c.23](#)

**F6** SI 1973/2163

**F7** [1993 c.8](#)

**F8** prosp. rep. by [2005 c. 4](#)

**F9** SI 1973/2163

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**F10** SI 1973/2163

**F11** 1978 c.23

**F12** 1973 c.36

- [<sup>F13</sup>2A
- (1) The provisions regulating the amounts which may be received by way of superannuation under an order made under subsection (5) of section 2 are to take effect subject to the modifications contained in this section.
  - (2) In this section—
    - “election” means an election made under subsection (3);
    - “judicial office” means office as the President or other member of the Lands Tribunal appointed under section 1;
    - “judicial pension scheme” means an occupational pension scheme constituted by an order made under subsection (5) of section 2 to provide a personal pension, lump sum or any widow's or children's pension to a person in judicial office and his widow and children; and “relevant judicial pension scheme” has a corresponding meaning;

*Definition rep. by SR 2003/483*
  - (3) A person who is eligible for a pension in judicial office shall while in that office—
    - (a) be deemed to be a member of the relevant judicial pension scheme except during such time as an election is in force in respect of him; and
    - [<sup>F14</sup>(b) be entitled at any time to serve on the Lord Chancellor a written notice of election not to be a member of the relevant judicial pension scheme, to take effect on a date not less than one month after the date on which it was served.]
  - (4) At any time after a person has made an election and while he continues to hold judicial office—
    - (a) he may make a written application to the Lord Chancellor requesting admission to membership of the judicial pension scheme relevant to the judicial office which he holds;
    - (b) the Lord Chancellor may, if satisfied that the applicant is in good health, admit him to the relevant judicial pension scheme on a date not less than three months after the date on which the application was served; and
    - (c) upon the date of the applicant's admission to the relevant judicial pension scheme, his election shall cease to be in force.
  - (5) An applicant under subsection (4) shall supply such evidence relating to his health as the Lord Chancellor may reasonably require and shall submit to any medical examination reasonably specified by the Lord Chancellor.
  - (6) The Lord Chancellor shall notify an applicant under subsection (4) of his decision in writing within three months after the date on which the application was served.
  - (7) Subject to the provisions of subsection (4), an election shall be irrevocable and an election shall not cease to be in force by reason only of a person becoming the holder of a judicial office different from the one which he held when he made the election.
  - (8) An election shall not affect its maker's eligibility for a pension which accrued under any judicial pension scheme before that election came into force.
  - (9) While an election remains in force in respect of a person—

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- (a) his service shall not be counted for the purpose of determining the allowances and gratuities payable to or in respect of him; and
  - (b) no contribution shall be made by him towards the cost of a widow's and children's pension,
- under or by virtue of the judicial pension scheme.]

**F13** SR 1989/124

**F14** SR 2003/483

### 3 Temporary appointments.

- (1) Where the President is temporarily absent or unable to act, the<sup>F15</sup> Governor<sup>F16</sup> may, notwithstanding the provisions of section 1(3), appoint another member of the Lands Tribunal to act as deputy for the President, and a person so appointed shall, while so acting, have all the functions of the President.
- (2) Where a member of the Lands Tribunal is temporarily absent or unable to perform his duties or where for any reason there is a temporary increase in the number or complexity of applications being made to the Tribunal, and the Ministry is satisfied that it is necessary or expedient to appoint a temporary member, the<sup>F15</sup> Governor<sup>F16</sup> may appoint a person, being a person who has been a member of the Lands Tribunal, or is or has been a county court judge, to be a temporary member of the Tribunal for such period as may be determined by the Ministry before his appointment and on such conditions, including conditions corresponding to the provisions of section 2(2), as may be so determined.
- (3) The conditions upon which a temporary member is appointed may, with the written consent of that member, be varied by the Ministry after his appointment.
- (4) A person appointed to be a temporary member under subsection (2) shall have and may exercise all the functions of a member of the Lands Tribunal and references in this Act, other than in sections 1 and 2, to a member of the Lands Tribunal shall include a reference to such a temporary member.
- (5) There shall be paid to temporary members appointed under subsection (2) such remuneration, if any, as the Ministry may determine.

**F15** By [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), ss. 5, 87, [Sch. 3 para. 36](#) it is provided that for the word "Governor" there shall be substituted (prosp.) "First Minister and deputy First Minister, acting jointly," in s. 3(1)(2). This amendment does not come into operation before the said amending Sch. 3 is subsequently substituted (12.4.2010) by the [Northern Ireland Act 2009 \(c. 3\)](#), [Sch. 3 para. 13](#); [S.I. 2010/812](#), [art. 2](#). The new Sch. 3 of the [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#) does not amend other legislation, therefore this amendment never comes into operation.)

**F16** SI 1973/2163

### 4<sup>F17</sup> Appointment of officers and servants of the Lands Tribunal.

- (1) The Ministry may appoint officers and servants to assist the Lands Tribunal in the due performance of its functions.

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- (2) There shall be paid to persons appointed under this section such remuneration and to, or in respect of the service of, persons so appointed such allowances and gratuities by way of superannuation, as the Ministry may determine.

**F17** Functions of D/Fin. exercisable with approval of D/CS, SR 1976/281

**Modifications etc. (not altering text)**

- C1** S. 4 functions transferred from Department of Finance and Personnel to Department of Justice (1.4.2011) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), **art. 5** (with [art. 8\(2\)](#))

**5<sup>F18</sup> Travelling and subsistence allowances and other financial provisions.**

- (1) There may be paid to members of the Lands Tribunal travelling and subsistence allowances at such rates as the Ministry may determine and to officers and servants appointed under section 4 travelling and subsistence allowances at the rates for the time being applicable to travelling and subsistence allowances payable to persons employed in the civil service of Northern Ireland.
- (2) All sums payable under sections 3 and 4 and this section and such other expenses of the Lands Tribunal as the Ministry may determine shall be defrayed out of moneys provided by Parliament.

**F18** Functions of D/Fin. exercisable with approval of D/CS, SR 1976/281

**Modifications etc. (not altering text)**

- C2** S. 5 functions transferred from Department of Finance and Personnel to Department of Justice (1.4.2011) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), **art. 5** (with [art. 8\(2\)](#))

**6 Jurisdiction of the Lands Tribunal.**

- (1) As from the date of the coming into operation of this subsection the functions which immediately before that date were exercisable by—
- (a) a person or persons selected from the panel of referees appointed under Part I of the Finance (1909-10) Act 1910 ;
  - (b) a person or persons selected from the panel of official arbitrators appointed under the Acquisition of Land Act;
  - (c) an arbitrator appointed under section 1 of the Administrative Provisions Act (Northern Ireland) 1928 ;
- shall, subject to the provisions of this Part, be transferred to and exercisable by the Lands Tribunal, and the enactments set out in Part I of Schedule 1 shall have effect subject to the modifications specified in the said Part I.
- (2) As from the date of the coming into operation of subsection (1), there shall be referred to and determined by the Lands Tribunal, in so far as they are not required by subsection (1) to be so referred and determined,—
- (a) any question of disputed compensation for the severance or injurious affection of any land, arising under<sup>F19</sup> the Land Compensation (Northern Ireland) Order 1982] or under the Lands Clauses Acts, on or in connection with the

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acquisition of, or the execution of any works on, any land of the exercise in relation to any land or any powers conferred by any statutory provision;

- (b) any question as to whether compensation falls to be assessed in accordance with rule (5) in<sup>F19</sup> Article 6 of the Land Compensation (Northern Ireland) Order 1982].

*Subs. (3) rep. by 1980 NI 11; subs. (4) rep. by 1972 NI 16*

- (5) The Lands Tribunal shall also exercise any jurisdiction conferred by any transferred provision on a person or persons selected as mentioned in paragraphs (a) and (b) of subsection (1) or appointed as mentioned in paragraph (c) of that subsection (including the power conferred by<sup>F19</sup> Article 20 of the Land Compensation (Northern Ireland) Order 1982] to give a certificate of value).
- (6) The Lands Tribunal may also act as arbitrator under a reference by consent relating to any matter affecting the value or the use or development of any land and any agreement entered into before the coming into operation of this subsection which provides for referring any such matter to arbitration by a person or persons selected or appointed as aforesaid shall, subject to any subsequent agreement, have effect as if it provided for referring the matter to arbitration by the Lands Tribunal.

**F19** 1982 NI 9

## 7 Power to add to jurisdiction of Lands Tribunal.

- (1) The Ministry may, by order made subject to affirmative resolution, direct that questions which are required or authorised by any transferred provision whether passed before or after the passing of this Act (other than a question authorised by any of the foregoing provisions of this Part to be so referred and determined) to be referred to and determined by any statutory tribunal shall or may be determined instead by the Lands Tribunal if it appears to the Ministry that the questions are appropriate for the Lands Tribunal as involving valuation of land or for other reasons.
- (2) An order made under this section may make such supplementary and consequential provisions (including provisions for modifying or repealing any enactment for the time being in force) as may be necessary or expedient for the purposes of the order, and, without prejudice to the generality of the foregoing, may—
- (a) make decisions of the Lands Tribunal in the exercise of the jurisdiction transferred enforceable in the like manner as those of the statutory tribunal from which the jurisdiction was transferred;
  - (b) make special provision as to the selection of members to deal with a case and as to their sitting with assessors;
  - (c) apply with or without modifications to the exercise of that jurisdiction by the Lands Tribunal, or repeal, any provisions as to procedure which governed its exercise by the statutory tribunal;
  - (d) preserve the effect of things done in or for the purpose of the exercise of that jurisdiction by the statutory tribunal.
- (3) Where the Lands Tribunal is exercising any jurisdiction transferred to it by an order made under this section, section 8 shall have effect subject to the provisions of any order so made with respect to that jurisdiction.

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- (4) In this section “statutory tribunal” means any Government department, authority or person entrusted with the determination as arbitrator or otherwise of questions arising under an enactment, but does not include any of the ordinary courts of law or a tribunal consisting of one or more than one judge of any of those courts.

**Modifications etc. (not altering text)**

- C3** S. 7(1)(2) functions transferred from Department of Finance and Personnel to Department of Justice (1.4.2011) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), **art. 5** (with [art. 8\(2\)](#))

**8 Procedure, appeals and costs.**

- (1) The jurisdiction of the Lands Tribunal may be exercised by any one or more than one of its members and references to the Lands Tribunal shall be construed accordingly.
- (2) Where the Lands Tribunal consists of more than one member, the member or members who is or are to deal with any case shall be selected by the President.
- (3) Where at any time before giving a decision in any proceedings being heard by him a member of the Lands Tribunal is of opinion that the proceedings should be heard and determined by him with another member or other members of the Tribunal, such proceedings may be adjourned and the adjourned proceedings shall be heard, or re-heard, and determined by such member or members as may be selected by the President.
- (4) Where a case is dealt with by two or more members of the Lands Tribunal—
- (a) if the President is one of them he shall preside at the hearing and, if he is not, he shall nominate one of them to preside at the hearing;
  - (b) a decision shall be taken, in the event of a difference between the members dealing with the case, by the votes of the majority, and, in the event of an equality of votes, the person presiding at the hearing shall have a second or casting vote.
- (5) Subject to subsection (6) a decision of the Lands Tribunal shall be final.
- (6)<sup>F20</sup> Any person aggrieved by a decision of the Lands Tribunal as being erroneous on a point of law may require the Lands Tribunal to state and sign a case for the decision of the Court of Appeal and, where the decision of the Lands Tribunal is given on a review by way of appeal from the previous decision or determination of another person, that person if dissatisfied with the decision of the Lands Tribunal shall be treated for this purpose as a person aggrieved thereby.
- (7)<sup>F21</sup> Subject to [<sup>F22</sup> section 9] and any other transferred provision, the Lands Tribunal may order that the costs, or any part of the costs, of any proceedings before it incurred by any party shall be paid by any other party and may tax or settle the amount of any costs to be paid under any such order or direct in what manner they are to be taxed or settled.

**F20** 1978 NI 4

**F21** 1975 c.47

**F22** 1982 NI 9

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## 9 Regulation of proceedings, fees, etc.

- (1) The Ministry, after consultation with the President of the Lands Tribunal, may make rules for regulating proceedings before the Lands Tribunal and the fees chargeable in respect of those proceedings, and such rules may in particular make provision—
- (a) as to the time within which proceedings before the Tribunal are to be instituted;
  - (b) as to the places where any such proceedings are to be heard;
  - (c) as to the evidence which may be required or admitted at any such proceedings and as to the production of documents and the summoning and examination of parties and witnesses;
  - (d) for the Tribunal to sit with assessors when dealing with cases calling for special knowledge and for making payments to the assessors as part of the expenses of the Tribunal;
  - (e) for requiring the Tribunal to state reasons for its decisions and generally as to the form in which any decision of the Tribunal is to be given;
  - (f) as to the amendment of any such decision in pursuance of any direction given by the Court of Appeal on any case stated under section 8(6);
  - (g) for the publication of decisions and awards of the Tribunal.
- (2) All fees payable in respect of any proceedings before the Lands Tribunal shall be payable in such manner as rules made under subsection (1) may prescribe and shall be paid into the Exchequer.
- (3) Where the Lands Tribunal acts as arbitrator, the provisions of<sup>F23</sup> Part I of the Arbitration Act 1996] shall apply only in so far as they are applied by rules made under this section,<sup>F23</sup> . . . .
- Subs. (4) rep. by 1982 NI 9*
- (5) Rules made under this section shall provide for preserving, so far as appears to the Ministry to be practicable, the effect of things done before the coming into operation of this section in or for the purpose of the exercise of any jurisdiction transferred by this Act to the Lands Tribunal,<sup>F24</sup> . . . .
- (6) Rules made under this section shall be subject to negative resolution.

**F23** 1996 c.23

**F24** 1982 NI 9

### Modifications etc. (not altering text)

**C4** S. 9(1)(5) functions transferred from Department of Finance and Personnel to Department of Justice (1.4.2011) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), **art. 5** (with art. 8(2))

*S. 10 rep. by 1982 NI 9*

## 11 Savings in relation to Part I.

- (1) The transfer of any jurisdiction to the Lands Tribunal under this Part shall not affect the principles on which any question is to be determined or the persons on whom the determination is binding, or any provision which requires particular matters to be expressly dealt with or embodied in the determination, or which relates to evidence



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and is not contained in the<sup>F25</sup> Land Compensation (Northern Ireland) Order 1982], but nothing in this subsection shall prejudice or affect the operation of<sup>F25</sup> Parts III and V of that Order of 1982].

- (2) The transfer to the Lands Tribunal by section 6(5) or by an order made under section 7 of any jurisdiction conferred on some other tribunal or person by an instrument made under any Act shall not be taken as affecting the power by virtue of which that instrument was made, and the provision conferring that power shall accordingly have effect as from the transfer as if it directed the jurisdiction to be exercised by the Lands Tribunal as provided under this Act, except in so far as provision to the contrary is thereafter made in pursuance of the said power.

**F25** [1982 NI 9](#)

## **12 Minor or supplemental provisions.**

- (1) Where a dispute arises on any matter or question which may be referred to the Lands Tribunal for determination, any party to the dispute may initiate proceedings to have the matter or question so determined.

*Subs. (2) rep. by 1982 NI 9*

*Subs. (3) rep. by 1975 c. 25*

- (4) The Ministry may by order made subject to affirmative resolution make such modifications and adaptations of any transferred provision as may be consequential upon, or as may be required for the purpose of giving effect to, any of the provisions of this Part.

### **Modifications etc. (not altering text)**

- C5** [S. 12\(4\)](#) functions transferred from Department of Finance and Personnel to Department of Justice (1.4.2011) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), **art. 5** (with [art. 8\(2\)](#))

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