



# Lands Tribunal Act 1949

## 1949 CHAPTER 42

An Act to establish new tribunals to determine in place of official arbitrators and others certain questions relating to compensation for the compulsory acquisition of land and other matters, to amend the Acquisition of Land (Assessment of Compensation) Act, 1919, with respect to the failure to deliver a notice of claim, and for purposes connected therewith. [14th July 1949]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Establishment and jurisdiction of Lands Tribunal.**

- (1) There shall be set up, to exercise the jurisdiction hereafter mentioned in this Act, the following tribunals, namely—
  - (a) a tribunal for Scotland, to be called " the Lands Tribunal for Scotland "; and
  - (b) a tribunal for the remainder of the United Kingdom, to be called " the Lands Tribunal."
- (2) Except in so far as the context otherwise requires, references in this Act to the Lands Tribunal shall be taken, in relation to Scotland, as references to the Lands Tribunal for Scotland.
- (3) There shall be referred to and determined by the Lands Tribunal—
  - (a) any question which is by any Act (including a local or private Act) directed, in whatever terms, to be determined by a person or one or more persons selected from either of the following panels, that is to say,—
    - (i) the panel of official arbitrators appointed under the Acquisition of Land Act; and
    - (ii) the panel of referees appointed under Part I of the Finance (1909-10) Act, 1910;

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- or which is so directed to be determined in the absence of agreement to the contrary;
- (b) any other question of disputed compensation under the Lands Clauses Acts, where the claim is for the injurious affection of any land and is against an authority to whom the Acquisition of Land Act applies;
  - (c) any question arising on an acquisition by any such authority as to the apportionment mentioned in section one hundred and sixteen of the Lands Clauses Consolidation Act, 1845, of any rent charge or other matter to which that section applies ;
  - (d) any dispute arising in relation to the determination of the development values of interests in land by the Central Land Board or other authority prescribed under section sixty of the Town and Country Planning Act, 1947 ;
  - (e) any question on which, but for this provision, an appeal or reference to the county court would or might be made by virtue of section forty-nine, sixty-two or eighty-seven of the Local Government Act, 1948.
- (4) The Lands Tribunal shall also exercise—
- (a) the jurisdiction conferred on the Authority under section eighty-four of the Law of Property Act, 1925 (which relates to the discharge and modification of restrictive covenants); and
  - (b) any other jurisdiction conferred by any Act (including a local or private Act), or instrument made under any such Act, on a person or one or more persons selected as mentioned in paragraph (a) of the last foregoing subsection (including the power to give a certificate of value conferred by section nine of the Acquisition of Land Act).
- (5) The Lands Tribunal may also act as arbitrator under a reference by consent, and any agreement entered into before the commencement of this Act which provides for referring any matter to arbitration by a person or one or more persons selected as aforesaid shall, subject to any subsequent agreement, have effect as if it provided for referring the matter to arbitration by the Lands Tribunal.
- (6) Where an authority to whom the Acquisition of Land Act applies is or may be liable for any compensation falling to be determined under section fifty-eight or one hundred and six of the Lands Clauses Consolidation Act, 1845 (which sections relate to the procedure in default of a claimant), the surveyor referred to in those sections, instead of being appointed in accordance therewith, shall be selected as hereinafter mentioned from the members of the Lands Tribunal.
- (7) References in this section to an authority to whom the Acquisition of Land Act applies include any body of persons which is, or is directed by any enactment to be treated as, a local or public authority within the meaning of that Act.
- (8) In relation to the Lands Tribunal for Scotland this section shall have effect with the substitution—
- (a) of references to sections fifty-seven, ninety-seven and one hundred and nine of the Lands Clauses Consolidation (Scotland) Act, 1845, for the references to sections fifty-eight, one hundred and six and one hundred and sixteen respectively of the Lands Clauses Consolidation Act, 1845 ; and
  - (b) of a reference to section fifty-seven of the Town and Country Planning (Scotland) Act, 1947, for the reference to section sixty of the Town and Country Planning Act, 1947.

## **2 Members, officers and expenses of Lands Tribunal.**

- (1) The Lands Tribunal shall consist of a President and such number of other members as the Lord Chancellor may determine, to be appointed by the Lord Chancellor.
- (2) The President shall be either a person who has held judicial office under the Crown (whether in the United Kingdom or not) or a barrister-at-law of at least seven years' standing, and of the other members of the Lands Tribunal such number as the Lord Chancellor may determine shall be barristers-at-law or solicitors of the like standing and the others shall be persons who have had experience in the valuation of land appointed after consultation with the president of the Royal Institution of Chartered Surveyors.
- (3) In the case of the temporary absence or inability to act of the President, the Lord Chancellor may appoint another member of the Lands Tribunal to act as deputy for the President, and a member so appointed shall, when so acting, have all the functions of the President.
- (4) If a member of the Lands Tribunal becomes, in the opinion of the Lord Chancellor, unfit to continue in office or incapable of performing his duties, the Lord Chancellor 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.
- (5) Subject to the last foregoing subsection, the appointment of a member of the Lands Tribunal shall be for such term as may be determined by the Lord Chancellor, with the approval of the Treasury, before his appointment, and shall be subject to such conditions as may be so determined, and a person who ceases to hold office as a member of the Lands Tribunal shall be eligible for re-appointment thereto.
- (6) There may be paid to the members of the Lands Tribunal such remuneration, and such travelling and subsistence allowances, and to persons who have been members thereof such superannuation allowances, as the Lord Chancellor may, with the approval of the Treasury, determine.
- (7) The Lord Chancellor may appoint such officers and servants of the Lands Tribunal as he may, with the approval of the Treasury as to numbers and remuneration, determine.
- (8) The remuneration and allowances of members and superannuation allowances of past members of the Lands Tribunal, the remuneration of the officers and servants appointed by the Lord Chancellor, and such other expenses of the Lands Tribunal as the Treasury may determine, shall be defrayed out of moneys provided by Parliament.
- (9) In relation to the Lands Tribunal for Scotland this section shall have effect with the substitution—
  - (a) of references to the Lord President of the Court of Session or, in subsections (5) to (8), to the Secretary of State for references to the Lord Chancellor;
  - (b) of a reference to the chairman of the Scottish Branch of the Royal Institution of Chartered Surveyors for the reference to the President of that institution;
  - (c) of references to an advocate for references to a barrister-at-law.

## **3 Procedure, appeals, costs and fees.**

- (1) Subject to the provisions of this Act, the jurisdiction of the Lands Tribunal may be exercised by any one or more of its members, and references in this Act to the Lands Tribunal shall be construed accordingly.

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(2) The member or members who is or are to deal with any case shall be selected as follows:—

- (a) the President may select a member or members to deal with a particular case or class or group of cases; or
- (b) the President may select for a class or group of cases members from amongst whom a member or members to deal with any particular case shall be selected, and

the selection from amongst those members of a member or members to deal with a particular case shall then be made either by the President or, if he so directs, by one of those members appointed by the President to be their chairman.

This subsection shall apply to the selection of a member of the Lands Tribunal for the purposes of subsection (6) of section one of this Act as if the case were one to be dealt with by the Lands Tribunal.

(3) Where a case is dealt with by two or more members of the Tribunal—

- (a) if the President is one of them he shall preside at the hearing and, if he is not, one of them shall be nominated to preside at the hearing by the person selecting them to deal with the case ;
- (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 be entitled to a second or casting vote.

(4) A decision of the Lands Tribunal shall be final:

Provided that any person aggrieved by the decision as being erroneous in point of law may, within such time as may be limited by rules of court, require the tribunal to state and sign a Case for the decision of the court and, where the decision of the Lands Tribunal is given on a review by way of appeal of the previous decision 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.

(5) Subject to the following provisions of this section, the Lands Tribunal may order that 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.

(6) Subject to the provisions of this Act, rules may be made for regulating proceedings before the Lands Tribunal and, subject to the approval of the Treasury, the fees chargeable in respect of those proceedings, and may in particular—

- (a) make provision—
  - (i) as to the form in which any decision of the Tribunal is to be given, and as to the amendment of any such decision in pursuance of any directions which may be given by the court dealing with an appeal under this section;
  - (ii) as to the time within which any proceedings before the Tribunal are to be instituted;
  - (iii) as to the evidence which may be required or admitted in any such proceedings;

- (b) provide for the Tribunal to sit with assessors when dealing with cases calling for special knowledge and, subject to the approval of the Treasury, for making payments to the assessors as part of the expenses of the Tribunal;
  - (c) apply in relation to the Tribunal any of the provisions of the Arbitration Acts, 1889 to 1934.
- (7) Sections three to five of the Acquisition of Land Act (so far as they are not made inapplicable by the foregoing provisions of this section) shall be amended as directed by Part I of the First Schedule to this Act and shall accordingly apply in relation, to proceedings before the Lands Tribunal as set out in Part II of that Schedule:

Provided that (subject to any rules made under this section) the said sections shall apply in relation to any proceedings under an Act passed before this Act only in so far as they would have applied in relation to such proceedings if this Act had not been passed.

- (8) Where the Lands Tribunal acts as arbitrator, the Arbitration Acts, 1889 to 1934, shall apply only in so far as they are applied by rules made under this section.
- (9) Subject to this Act, any rules made by the Reference Committee under the Acquisition of Land Act, or by the Reference Committee under the Finance (1909-10) Act, 1910, which are in force immediately before the commencement of this Act shall, so far as they relate to matters with respect to which there is power to make rules under this section, have effect with any necessary modifications as if made in the exercise of that power; and any instrument prescribing the fees chargeable under either of the said Acts which is then in force shall also have effect as aforesaid.

Subject to this Act any reference to rules made by either of the said Committees or to any such instrument as aforesaid shall, unless the context otherwise requires, include a reference to the rules made or having effect under this section.

- (10) Rules made under this section shall provide for preserving, so far as appears to the rule-making authority to be practicable, the effect of things done before the commencement of this Act in or for the purposes of the exercise of any jurisdiction transferred by this Act to the Lands Tribunal, and those rules may exclude the operation of this Act, in whole or in part, in relation to any proceedings pending at the commencement of this Act.
- (11) Subject to the following subsection—
- (a) the court referred to in subsection (4) of this section shall be the Court of Appeal;
  - (b) the rule-making authority for the purposes of this Act shall be the Lord Chancellor.
- (12) In relation to the Lands Tribunal for Scotland, the following provisions shall have effect:—
- (a) the court referred to in subsection (4) of this section shall be the Court of Session, and no appeal shall lie from a decision of the Court of Session on a case stated under that subsection except with the leave of that court;
  - (b) the rule-making authority for the purposes of this Act shall be the Lord President of the Court of Session;
  - (c) paragraph (c) of subsection (6) of this section shall not apply but the Lands Tribunal for Scotland shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the

examination of witnesses on oath, as if the Tribunal were an arbiter under a submission, and any order of the Tribunal may be recorded for execution in the Books of Council and Session and shall be enforceable accordingly.

#### **4 Power to add to jurisdiction of Lands Tribunal.**

- (1) His Majesty may by Order in Council direct that questions which are required or authorised by any Act (including a local or private Act), or instrument made under any such Act, to be determined by any statutory tribunal shall or may be determined instead by the Lands Tribunal if it appears to His Majesty—
  - (a) that the questions are appropriate for the Lands Tribunal as involving valuation of land or for other reasons ; and
  - (b) that it is desirable to transfer the jurisdiction to determine those questions from the first-mentioned tribunal to the Lands Tribunal either—
    - (i) to promote uniformity of decision; or
    - (ii) to use economically the services of those having experience in the valuation of land or other special qualifications; or
    - (iii) to make possible the winding up of a statutory tribunal having little work to do.
- (2) The foregoing subsection shall authorise a transfer of the jurisdiction conferred on a statutory tribunal by or under an Act passed after this Act unless that Act contains a direction to the contrary:

Provided that where the jurisdiction is first conferred on the tribunal by or under an Act so passed sub-paragraphs (i) and (ii) of paragraph (b) of the foregoing subsection shall not apply.
- (3) An Order in Council under this section may contain such supplementary and consequential provisions as appear to His Majesty to be expedient, and any such provisions may be revoked or varied by a subsequent Order in Council or, if the Order in Council so provides, by rules made under this Act.
- (4) Without prejudice to the generality of the last foregoing subsection, the provisions thereby authorised to be contained in an Order in Council shall include provisions for the following purposes, that is to say—
  - (a) making decisions of the Lands Tribunal in the exercise of the jurisdiction transferred enforceable in the same way as those of the statutory tribunal from which the jurisdiction is transferred;
  - (b) making special provision as to the selection of members to deal with a case and as to their sitting with assessors;
  - (c) applying with or without modifications to the exercise of that jurisdiction by the Lands Tribunal, or repealing, any provisions as to procedure which governed its exercise by the said statutory tribunal;
  - (d) preserving the effect of things done in or for the purpose of the exercise of that jurisdiction by the said statutory tribunal.
- (5) Where the Lands Tribunal is exercising, a jurisdiction transferred to it by virtue of this section, section three of this Act shall have effect subject to the provisions of any Order in Council under this section with respect to that jurisdiction.
- (6) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (7) In this section the expression "statutory tribunal" means any Government department, authority or person entrusted with the judicial determination as arbitrator or otherwise of questions arising under an Act of Parliament, except that the expression does not include—
- (a) any of the ordinary courts of law or a tribunal consisting of one or more judges of any of those courts; or
  - (b) an arbitrator unless the person to act as arbitrator is designated, or is to be selected from a class or group of persons designated, by the Act or instrument requiring or authorising arbitration.

## **5 Failure to deliver notice of claim.**

- (1) Where a claimant is required by subsection (2) of section five of the Acquisition of Land Act to deliver a notice of claim and fails to comply with the provisions of that subsection with respect to that notice, the provisions thereof with respect to the withdrawal of notices to treat shall apply subject to the modifications hereafter provided for by this section.
- (2) Where this section applies—
  - (a) the power to withdraw notices to treat, instead of being exercisable within six weeks after the delivery by the claimant of a notice of claim, shall be exercisable at any time after the decision of the Lands Tribunal on the claim not exceeding six weeks from the final determination thereof;
  - (b) the claimant shall not be entitled to any compensation under the said subsection (2) in respect of any loss or expenses incurred after the time when, in the opinion of the Lands Tribunal, a proper notice of claim should have been delivered.
- (3) Notwithstanding anything in the last foregoing subsection the acquiring authority shall not be entitled under this section to withdraw a notice to treat after the authority has entered into possession of the land by virtue of the notice.
- (4) So long as the acquiring authority is entitled to withdraw a notice to treat under this section, the authority shall not be compellable to take the lands to which the notice relates or to pay any compensation awarded in respect of the taking.
- (5) For the purposes of this section, a claim shall not be deemed to be finally determined so long as the time for requiring the Lands Tribunal to state a case with respect thereto, or for appealing from any decision on the points raised by a case so stated, has not expired.
- (6) This section shall not be taken to confer any power to withdraw a notice to treat where the power conferred by subsection (2) of section five of the Acquisition of Land Act is excluded by any enactment, nor to prejudice any enactment conferring power to withdraw a notice to treat apart from the said subsection (2).

## **6 Compensation for loss of office.**

- (1) The Treasury may by regulations provide for the payment of compensation to persons suffering loss of office or employment, or loss or diminution of emoluments, which is attributable to the transfer of any jurisdiction to the Lands Tribunal by or under this Act.

- (2) The regulations may include provision as to the manner in which, and the persons to whom, any claim for compensation thereunder is to be made and for the determination of questions arising thereunder.
- (3) Any compensation under this section shall be paid out of moneys provided by Parliament.

## 7 **Savings, etc.**

- (1) The transfer of any jurisdiction to the Lands Tribunal by or under this Act 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 and is not contained in the Acquisition of Land Act.
- (2) The transfer to the Lands Tribunal by subsection (4) of section one of this Act, or by an Order in Council under section four thereof, 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 by or under this Act, except in so far as provision to the contrary is thereafter made in pursuance of the said power.
- (3) Nothing in this Act shall affect the operation of any enactment applying or giving power to apply the Acquisition of Land Act or any provision thereof in relation to the exercise of a jurisdiction not transferred by or under this Act, except that any enactment applying or giving power to apply subsection (2) of section five of that Act as aforesaid shall have the like operation in relation to section five of this Act.

## 8 **Interpretation.**

- (1) In this Act—
  - " the Acquisition of Land Act " means the Acquisition of Land (Assessment of Compensation) Act, 1919 ;
  - " arbitrator ", in relation to Scotland, means arbiter ;
  - " barrister-at-law " means a member of the bar whether of England or Northern Ireland or both.
- (2) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as referring to that enactment as amended, extended or applied by any other enactment.
- (3) Any power under this Act to make rules shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing rules made under this Act by the Lord President of the Court of Session in like manner as if the rules had been made by a Minister of the Crown.

## 9 **Application to Northern Ireland.**

- (1) This Act shall not affect the law in force in Northern Ireland, except in relation to the transfer of any jurisdiction to the Lands Tribunal under section four thereof and in relation to any jurisdiction so transferred.



- (2) The said section four in its application to Northern Ireland shall not authorise the transfer of any jurisdiction to the Lands Tribunal if it appears to His Majesty that the jurisdiction relates exclusively to matters with respect to which the Parliament of Northern Ireland has power to make laws.
- (3) The supplementary and consequential provisions authorised by subsection (3) of the said section four to be contained in an Order in Council under that section shall include provisions for the following purposes, that is to say, for the hearing by His Majesty's Court of Appeal in Northern Ireland of cases stated under subsection (4) of section three of this Act, for the taxation by an officer of the Supreme Court of Judicature of Northern Ireland of any such costs as are referred to in subsection (5) of the said section three and for the application and adaptation of enactments of the Parliament of Northern Ireland.

## **10 Short title, commencement, transitional provisions and repeal.**

- (1) This Act may be cited as the Lands Tribunal Act, 1949.
- (2) Sections one to four of this Act shall come into force on such day as His Majesty may by Order in Council appoint, and different days may be appointed for Scotland and for the remainder of the United Kingdom.
- (3) References in this Act to the commencement thereof refer, in relation to any part of the United Kingdom, to the beginning of the day so appointed for that part, and the following provisions shall have effect as respects proceedings begun before the commencement of this Act, namely:—
  - (a) subsection (2) of section six of the Acquisition of Land Act shall not apply to any decision of the High Court or of either division of the Court of Session giving the opinion of that court or division on a case stated under that section except a decision given before the date of the passing of this Act, and there shall be the same right of appeal against any such decision given on or after that date as against the final decision of an action in that court or division:

Provided that an appeal to the House of Lords from a decision of a division of the Court of Session shall lie only with the leave of the division ;
  - (b) section five of this Act shall have effect with the modifications necessary to adapt it to proceedings before an official arbitrator instead of the Lands Tribunal.
- (4) The enactments specified in the Second Schedule to this Act are hereby repealed, as from the commencement of this Act, to the extent specified in the third column of that Schedule:

Provided that (without prejudice to the operation either of any provision of the Interpretation Act, 1889, as to the effect of repeals or of any provision of this Act giving power to make rules as to pending proceedings) the repeal of any enactment by this section shall not affect its operation in cases where a decision has been given before the commencement of this Act, so far as relates to appeals, cases stated, costs or fees.

## SCHEDULES

### FIRST SCHEDULE

Section

#### PROCEDURAL PROVISIONS OF ACQUISITION OF LAND ACT AMENDED AND APPLIED

#### PART I

##### AMENDMENTS

- 1 (1) Subject to the following sub-paragraph, in subsections (1), (3) and (5) of section three and in subsections (1) to (4) and (6) of section five, for the words " an official arbitrator," the words " the official arbitrator," and the word " he " where referring to an official arbitrator, there shall be substituted the words " the Lands Tribunal. "
- (2) In subsection (4) of the said section five the words from the beginning to the word " and " where last occurring shall be omitted.
- 2 In subsection (2) of the said section three for the words " an official arbitrator " there shall be substituted the words " a member of the Lands Tribunal " and at the end of the subsection there shall be added the words " or to him and other members " .
- 3 In subsection (4) of the said section three for the words " The official arbitrator " there shall be substituted the words " A member of the Lands Tribunal " and at the end of the subsection there shall be added the words " or before him and other members. "
- 4 In section four for the words " official arbitrator " there shall be substituted the words " member or members of the Lands Tribunal "and for the words " Reference Committee," there shall be substituted the words " rule-making authority " .

#### PART II

##### PROVISIONS REPRINTED AS AMENDED

- 3 (1) In any proceedings before the Lands Tribunal, not more than one expert witness on either side shall be heard unless the Lands Tribunal otherwise directs:
 

Provided that, where the claim includes a claim for compensation in respect of minerals, or disturbance of business, as well as in respect of land, one additional expert witness on either side on the value of the minerals or, as the case may be, on the damage suffered by reason of the disturbance may be allowed.
- (2) It shall not be necessary for a member of the Lands Tribunal to make any declaration before entering into the consideration of any matter referred to him or to him and other members.
- (3) The Lands Tribunal shall, on the application of either party, specify the amount awarded in respect of any particular matter the subject of the award.

(4) A member of the Lands Tribunal shall be entitled to enter on and inspect any land which is the subject of proceedings before him or before him and other members.

(5) Proceedings under this Act shall be heard by the Lands Tribunal sitting in public.

4 Where notices to treat have been served for the acquisition of the several interests in the land to be acquired, the claims of the persons entitled to such interests shall, so far as practicable, and so far as not agreed and if the acquiring authority so desire, be heard and determined by the same member or members of the Lands Tribunal, and the rule-making authority may make rules providing that such claims shall be heard together, but the value of the several interests in the land having a market value shall be separately assessed.

5 (1) Where the acquiring authority has made an unconditional offer in writing of any sum as compensation to any claimant and the sum awarded by the Lands Tribunal to that claimant does not exceed the sum offered, the Lands Tribunal shall, unless for special reasons the Lands Tribunal thinks proper not to do so, order the claimant to bear his own costs and to pay the costs of the acquiring authority so far as such costs were incurred after the offer was made.

(2) If the Lands Tribunal is satisfied that a claimant has failed to deliver to the acquiring authority a notice in writing of the amount claimed by him giving sufficient particulars and in sufficient time to enable the acquiring authority to make a proper offer, the foregoing provisions of this section shall apply as if an unconditional offer had been made by the acquiring authority at the time when in the opinion of the Lands Tribunal sufficient particulars should have been furnished and the claimant had been awarded a sum not exceeding the amount of such offer.

The notice of claim shall state the exact nature of the interest in respect of which compensation is claimed, and give details of the compensation claimed, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated, and when such a notice of claim has been delivered the acquiring authority may, at any time within six weeks after the delivery thereof, withdraw any notice to treat which has been served on the claimant or on any other person interested in the land authorised to be acquired, but shall be liable to pay compensation to any such claimant or other person for any loss or expenses occasioned by the notice to treat having been given to him and withdrawn and the amount of such compensation shall, in default of agreement, be determined by the Lands Tribunal.

(3) Where a claimant has made an unconditional offer in writing to accept any sum as compensation and has complied with the provisions of the last preceding subsection, and the sum awarded is equal to or exceeds that sum, the Lands Tribunal shall, unless for special reasons the Lands Tribunal thinks proper not to do so, order the acquiring authority to bear their own costs and to pay the costs of the claimant so far as such costs were incurred after the offer was made.

(4) The Lands Tribunal may in any case disallow the cost of counsel

(6) Where the Lands Tribunal orders the claimant to pay the costs or any part of the costs, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation payable to him.

(7) Without prejudice to any other method of recovery, the amount of costs ordered to be paid by a claimant, or such part thereof as is not covered by such deduction as

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aforesaid shall be recoverable from him by the acquiring authority summarily as a civil debt.

## SECOND SCHEDULE

Section 10

## REPEALS

| Session and Chapter         | Short Title  | Extent of Repeal   |
|-----------------------------|--|--|
| 8 Edw. 7. c. 36             | The Small Holdings and Allotments Act, 1908.                               | In Part I of the First Schedule, in paragraph (5) the words " counsel or " except in their application to a public inquiry, and paragraph (b).   |
| 10 Edw. 7 & 1 Geo. 5. c. 8. | The Finance (1909-10) Act, 1910.   | In section thirty-three, subsection (2) from the first " and" onwards and subsections (3) to (5); section thirty-four.   |
| 1 & 2 Geo. 5. c. 2.         | The Revenue Act, 1911.   | Section seven.   |
| 9 & 10 Geo. 5. c. 57.       | The Acquisition of Land (Assessment of Compensation) Act, 1919.            | Subsections (2) to (5) of section one; in section two the words from " For the purposes of this section" onwards; subsections (6) and (7) of section three; in section five, subsection (4) to the last " and " and subsections (5) and (8); section six; section eight. |
| 15 & 16 Geo. 5. c. 20.      | The Law of Property Act, 1925.   | In section eighty-four, subsection (4), subsection (5) from " but" onwards and subsection (10).  |
| 16 & 17 Geo. 5. c. 52.      | The Small Holdings and Allotments Act, 1926.                               | In paragraph (b) of subsection (3) of section seventeen the words " counsel or", the words " and of fixing scales of costs" and the words " and scales so fixed ".   |
| 21 & 22 Geo. 5. c. 11.      | The Acquisition of Land (Assessment of Compensation) (Scotland) Act, 1931. | The whole Act.   |

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| Session and Chapter          | Short Title   | Extent of Repeal  |
|------------------------------|---|---|
| 22 & 23 Geo. 5. c. 55.       | The Administration of Justice Act, 1932.            | Section six.  |
| 25 & 26 Geo. 5. c. 15.       | The Post Office (Amendment) Act, 1935.              | Subsection (2) of section five except as respects the Isle of Man.  |
| 25 & 26 Geo. 5. c. 41.       | The Housing (Scotland) Act, 1935.                   | In paragraph (a) of subsection (6) of section eighty-two the words " unless the authority and the undertakers otherwise agree" and the words from " who " onwards.  |
| 26 Geo. 5 & 1 Edw. 8. c. 51. | The Housing Act, 1936.                              | In paragraph (a) of subsection (6) of section forty-nine the words " unless the authority and the undertakers otherwise agree" and the words from " who " onwards; in subsection (1) of section fifty-five the words from " by arbitration " to " 1919 ". |
| 2 & 3 Geo. 6. c. 31.         | The Civil Defence Act, 1939.                        | In section seventy-four subsections (2), (4) and (5).   |
| 7 & 8 Geo. 6. c. 47.         | The Town and Country Planning Act, 1944.            | Sub-paragraph (2) of paragraph 9 of the Sixth Schedule.   |
| 8 & 9 Geo. 6. c. 33.         | The Town and Country Planning (Scotland) Act, 1945. | Sub-paragraph (2) of paragraph 9 of the Sixth Schedule.   |
| 9 & 10 Geo. 6. c. 70.        | The Civil Aviation Act, 1946.                       | In subsection (4) of section twenty-seven, in subsection (3) of section thirty-one and in paragraph 12 of the Fourth Schedule, the words from " and rules " onwards.  |
| 9 & 10 Geo. 6. c. 80.        | The Atomic Energy Act, 1946.                        | In the First Schedule, paragraph 9 from " and rules " onwards.  |
| 10 & 11 Geo. 6. c. 51.       | The Town and Country Planning Act, 1947.            | Paragraph (a) of subsection (2) of section sixty from the second " and " onwards; in subsection (1) of section one hundred and ten the word " one " and the words " six and eight"; in  |

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*Status: This is the original version (as it was originally enacted).*

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| Session and Chapter    | Short Title   | Extent of Repeal   |
|------------------------|---|--|
| 10 & 11 Geo. 6. c. 53. | The Town and Country Planning (Scotland) Act, 1947. | the Eleventh Schedule, sub-paragraph (2) of paragraph 9 of the Sixth Schedule to the Town and Country Planning Act, 1944.<br><br>Paragraph (a) of subsection (2) of section fifty-seven from the second " and " onwards; in subsection (1) of section one hundred and five the word " one " and the words " six and eight"; section one hundred and six; in the Eleventh Schedule, sub-paragraph (2) of paragraph 9 of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1945. |
| 11 & 12 Geo. 6. c. 26. | The Local Government Act, 1948.                     | Subsections (2), (3) and (4) of section forty-nine; in section fifty, in subsection (1) the words " or any county court" and the words " or county court" and in subsection (3) the words " or county court"; subsection (2) of section sixty-two; in subsection (2) of section sixty-seven the words " or as the judge on any appeal to a county court"; subsection (3) of section eighty-seven.  |

## TABLE OF STATUTES REFERRED TO IN THIS ACT

| Short Title.  | Session and Chapter         |
|---|-----------------------------|
| Lands Clauses Consolidation Act, 1845                       | 8 & 9 Vict. c. 18.          |
| Lands Clauses Consolidation (Scotland) Act, 1845            | 8 & 9 Vict. c. 19.          |
| Interpretation Act, 1889                                    | 52 & 53 Vict. c. 63.        |
| Finance (1909-10) Act, 1910                                 | 10 Edw. 7 & 1 Geo. 5. c. 8. |
| Acquisition of Land (Assessment of Compensation) Act, 1919. | 9 & 10 Geo. 5. c. 57.       |
| Law of Property Act, 1925                                   | 15 & 16 Geo. 5. c. 20.      |
| Statutory Instruments Act, 1946                             | 9 & 10 Geo. 6. c. 36.       |

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*Status: This is the original version (as it was originally enacted).*

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| Short Title.                                    | Session and Chapter                        |
|---|--|
| Town and Country Planning Act, 1947             | <a href="#">10 &amp; 11 Geo. 6. c. 51.</a> |
| Town and Country Planning (Scotland) Act, 1947. | <a href="#">10 &amp; 11 Geo. 6. c. 53.</a> |
| Local Government Act, 1948                      | <a href="#">11 &amp; 12 Geo. 6. c. 26.</a> |