

## SCHEDULE 2

Article 5(1) and (3)

### Consequential amendments to secondary legislation

#### **Lands Tribunal (Statutory Undertakers Compensation Jurisdiction) Order 1952**

1. The Lands Tribunal (Statutory Undertakers Compensation Jurisdiction) Order 1952<sup>(1)</sup> is amended as follows.

##### **Commencement Information**

**I1** Sch. 2 para. 1 in force at 1.6.2009, see [art. 1](#)

2. In article 3 (transfer of jurisdiction) for “Lands Tribunal” substitute “Upper Tribunal”.

##### **Commencement Information**

**I2** Sch. 2 para. 2 in force at 1.6.2009, see [art. 1](#)

3. In article 8 (provision for variation) for “Rules made under the Lands Tribunal Act” substitute “Tribunal Procedure Rules”.

##### **Commencement Information**

**I3** Sch. 2 para. 3 in force at 1.6.2009, see [art. 1](#)

##### **Commencement Information**

**I1** Sch. 2 para. 1 in force at 1.6.2009, see [art. 1](#)

**I2** Sch. 2 para. 2 in force at 1.6.2009, see [art. 1](#)

**I3** Sch. 2 para. 3 in force at 1.6.2009, see [art. 1](#)

#### **Landlord and Tenant (Determination of Rateable Value Procedure) Rules 1954**

4. The Landlord and Tenant (Determination of Rateable Value Procedure) Rules 1954<sup>(2)</sup> are amended as follows.

##### **Commencement Information**

**I4** Sch. 2 para. 4 in force at 1.6.2009, see [art. 1](#)

5. In rule 8 for “Lands Tribunal” substitute “Upper Tribunal”.

##### **Commencement Information**

**I5** Sch. 2 para. 5 in force at 1.6.2009, see [art. 1](#)

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(1) [S.I. 1952/161](#).  
(2) [S.I. 1954/1255](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

6. In the Schedule (forms A and B), in the Schedule to Form B, for the words from “Lands Tribunal” to the end substitute “Upper Tribunal.”

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 1.6.2009, see [art. 1](#)

**I5** Sch. 2 para. 5 in force at 1.6.2009, see [art. 1](#)

**I6** Sch. 2 para. 6 in force at 1.6.2009, see [art. 1](#)

**Government Oil Pipe-Lines Regulations 1959**

7. In regulation 7(1) and (2) of the Government Oil Pipe-Lines Regulations 1959(3) (determination of disputes) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 1.6.2009, see [art. 1](#)

**Opencast Coal (Fees) Regulations 1960**

8. In paragraph 1(a) of the Schedule to the Opencast Coal (Fees) Regulations 1960(4) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 1.6.2009, see [art. 1](#)

**Registers of Drainage Boards Regulations 1968**

9. In regulation 13(4) of the Registers of Drainage Boards Regulations 1968(5) (appeals)—
- (a) in sub-paragraphs (a) and (b) for “Lands Tribunal” substitute “Upper Tribunal”;
  - (b) in sub-paragraph (b) for the words from “the Tribunal may be required” to the end substitute “an appeal may be brought against that decision to the Court of Appeal expires without any such appeal having been brought.”;
  - (c) in sub-paragraph (c)—
    - (i) omit “in pursuance of such a requirement such a case is stated and signed and”; and
    - (ii) for “on that case” substitute “on that appeal”;
  - (d) in sub-paragraph (e) omit “or case stated”; and
  - (e) in sub-paragraph (f) omit “or for the opinion of which a case has been stated”.

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(3) [S.I. 1959/715](#).  
(4) [S.I. 1960/194](#).  
(5) [S.I. 1968/1672](#).

**Commencement Information**

**I9** Sch. 2 para. 9 in force at 1.6.2009, see [art. 1](#)

**Pensions Increase (Judicial Pensions) Regulations 1972**

**10.** Omit paragraph 15 of the Schedule to the Pensions Increase (Judicial Pensions) Regulations 1972(6) (judicial pensions – tables of multipliers).

**Commencement Information**

**I10** Sch. 2 para. 10 in force at 1.6.2009, see [art. 1](#)

**Pensions Increase (Judicial Pensions) Regulations 1974**

**11.** Omit paragraph 5 of the Schedule to the Pensions Increase (Judicial Pensions) Regulations 1974(7) (judicial pensions to which the 1974 Act is to apply).

**Commencement Information**

**I11** Sch. 2 para. 11 in force at 1.6.2009, see [art. 1](#)

**Town and Country Planning (Compensation and Certificates) Regulations 1974**

**12.** The Town and Country Planning (Compensation and Certificates) Regulations 1974(8) are amended as follows.

**Commencement Information**

**I12** Sch. 2 para. 12 in force at 1.6.2009, see [art. 1](#)

- 13.** In regulation 7 (claims for compensation under Part 7 of the Act - disputes)—
- (a) in paragraph (1) for “within 30 days of the issue of the Secretary of State’s findings, give notice in writing to the Lands Tribunal that he disputes the findings, or as the case may be, the apportionment, and thereupon the dispute shall be referred to the Tribunal” substitute “refer the dispute to the Upper Tribunal”;
  - (b) in paragraph (2) for “give the notice referred to in” substitute “refer a dispute to the Upper Tribunal under”;
  - (c) in paragraph (3) for the words from “shall, on compliance” to the end substitute “shall be entitled to be a party to any proceedings under this regulation in the Upper Tribunal.”; and
  - (d) in paragraph (4)—
    - (i) for “Lands Tribunal” substitute “Upper Tribunal”;
    - (ii) omit “by their decision”; and

(6) [S.I. 1972/71](#). The Schedule was amended by regulations 4 and 5 of and Schedules 1 and 2 to the Pensions Increase (Judicial Pensions) (Amendment) Regulations 1973 ([S.I. 1973/495](#)), and regulations 4 and 5 of and Schedules 1 and 2 to the Pensions Increase (Judicial Pensions) (Amendment) Regulations 1974 ([S.I. 1974/984](#)).

(7) [S.I. 1974/985](#).

(8) [S.I. 1974/1242](#).

**Changes to legislation:** There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2*. (See end of Document for details)

(iii) omit “, and shall notify the parties of their decision”.

**Commencement Information**

**I13** Sch. 2 para. 13 in force at 1.6.2009, see [art. 1](#)

**14.** In regulation 12 (claims by rentcharge owners – disputes)—

- (a) in paragraph (3) for the words from “, within thirty days” to the end substitute “refer the dispute to the Upper Tribunal.”;
- (b) in paragraph (4) for “notice of dispute has been given” substitute “dispute has been referred to the Upper Tribunal”;
- (c) in paragraph (5) for “give a notice of dispute” substitute “refer a dispute to the Upper Tribunal”;
- (d) in paragraph (6) for the words from “shall, on compliance” to the end substitute “shall be entitled to be a party to any proceedings under this regulation in the Upper Tribunal.”;
- (e) in paragraph (7)—
  - (i) for “Lands Tribunal” in each place substitute “Upper Tribunal”;
  - (ii) omit “by their decision” in each place; and
  - (iii) omit “and shall notify the parties of their decision”; and
- (f) in paragraph (8) for “Lands Tribunal vary” substitute “Upper Tribunal varies”.

**Commencement Information**

**I14** Sch. 2 para. 14 in force at 1.6.2009, see [art. 1](#)

**15.** In regulation 15 (contributions by Secretary of State under Part 8 of the Act – disputes)—

- (a) in paragraph (1) for the words from “within 30 days” to “to the Lands Tribunal for determination” substitute “refer the dispute to the Upper Tribunal”;
- (b) in paragraph (2) for the words from “shall be entitled” to the end substitute “shall be entitled to be a party to any proceedings under this regulation in the Upper Tribunal.”; and
- (c) in paragraph (3)—
  - (i) for “Lands Tribunal” substitute “Upper Tribunal”;
  - (ii) omit “by their decision”; and
  - (iii) omit “, and shall notify the parties of their decision”.

**Commencement Information**

**I15** Sch. 2 para. 15 in force at 1.6.2009, see [art. 1](#)

**16.** In paragraph 4(b)(ii) of Schedule 2 (provisions for determining rentcharge payments)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “them” substitute “it”.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

**Commencement Information**

**I16** Sch. 2 para. 16 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I12** Sch. 2 para. 12 in force at 1.6.2009, see [art. 1](#)

**I13** Sch. 2 para. 13 in force at 1.6.2009, see [art. 1](#)

**I14** Sch. 2 para. 14 in force at 1.6.2009, see [art. 1](#)

**I15** Sch. 2 para. 15 in force at 1.6.2009, see [art. 1](#)

**I16** Sch. 2 para. 16 in force at 1.6.2009, see [art. 1](#)

**Land Charges Rules 1974**

**17.** In rule 10(ii) of the Land Charges Rules 1974<sup>(9)</sup> for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I17** Sch. 2 para. 17 in force at 1.6.2009, see [art. 1](#)

**Internal Drainage Boards (Acquisition of New Interests and Rights) Regulations 1977**

**18.** In regulation 11 of the Internal Drainage Boards (Acquisition of New Interests and Rights) Regulations 1977<sup>(10)</sup>, in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965<sup>(11)</sup>—

(a) in subsection (1)—

(i) for “Lands Tribunal determines” substitute “Upper Tribunal determines”; and

(ii) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and

(b) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I18** Sch. 2 para. 18 in force at 1.6.2009, see [art. 1](#)

**Local Lands Charges Rules 1977**

**19.** The Local Lands Charges Rules 1977<sup>(12)</sup> are amended as follows.

**Commencement Information**

**I19** Sch. 2 para. 19 in force at 1.6.2009, see [art. 1](#)

<sup>(9)</sup> S.I. 1974/1286.

<sup>(10)</sup> S.I. 1977/84.

<sup>(11)</sup> 1965 c. 56.

<sup>(12)</sup> S.I. 1977/985. Schedule 3 was substituted by rule 2 of and the Schedule to the Local Land Charges (Amendment) Rules 2003 (S.I. 2003/2502).

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

**20.** In rule 10(1) and (7) (light obstruction notices) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I20** Sch. 2 para. 20 in force at 1.6.2009, see [art. 1](#)

**21.** In Part 11 of Schedule 2 (particulars of registration) for “Lands Tribunal” in each place substitute “Upper Tribunal”.

**Commencement Information**

**I21** Sch. 2 para. 21 in force at 1.6.2009, see [art. 1](#)

**22.** In item 2 in the table in Schedule 3 (fees) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I22** Sch. 2 para. 22 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I19** Sch. 2 para. 19 in force at 1.6.2009, see [art. 1](#)

**I20** Sch. 2 para. 20 in force at 1.6.2009, see [art. 1](#)

**I21** Sch. 2 para. 21 in force at 1.6.2009, see [art. 1](#)

**I22** Sch. 2 para. 22 in force at 1.6.2009, see [art. 1](#)

**Control of Off-Street Parking (England and Wales) Order 1978**

**23.** In paragraph 22(4) of the Schedule to the Control of Off-Street Parking (England and Wales) Order 1978(**13**) (right to compensation in certain circumstances)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

**Commencement Information**

**I23** Sch. 2 para. 23 in force at 1.6.2009, see [art. 1](#)

**Control of Off-Street Parking (England and Wales) (Metropolitan Districts) Order 1986**

**24.** In paragraph 22(4) of the Schedule to the Control of Off-Street Parking (England and Wales) (Metropolitan Districts) Order 1986(**14**) (right to compensation in certain circumstances)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and” substitute “section”.

(13) [S.I. 1978/1535](#).

(14) [S.I. 1986/225](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

**Commencement Information**

**I24** Sch. 2 para. 24 in force at 1.6.2009, see [art. 1](#)

**Stamp Duty Reserve Tax Regulations 1986**

**25.** In regulation 8 of the Stamp Duty Reserve Tax Regulations 1986(15) (appeals against determination)—

- (a) in paragraphs (4) and (4A) omit “Lands”;
- (b) in paragraph (4B)—
  - (i) for “appropriate Lands” substitute “appropriate”; and
  - (ii) in sub-paragraph (a) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I25** Sch. 2 para. 25 in force at 1.6.2009, see [art. 1](#)

**Court Funds Rules 1987**

**26.** The Court Funds Rules 1987(16) are amended as follows.

**Commencement Information**

**I26** Sch. 2 para. 26 in force at 1.6.2009, see [art. 1](#)

**27.** In rule 2(2) (interpretation)—

- (a) in the definition of “Court” for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in the definition of “Order” for “under the seal of the Lands Tribunal” substitute “of the Upper Tribunal”.

**Commencement Information**

**I27** Sch. 2 para. 27 in force at 1.6.2009, see [art. 1](#)

**28.** In rule 7(3) (payment schedule) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I28** Sch. 2 para. 28 in force at 1.6.2009, see [art. 1](#)

**29.** In rule 8(1) (preparation and amendment of schedules) for “Lands Tribunal” substitute “Upper Tribunal”.

(15) [S.I. 1986/1711](#). Regulation 8 was amended by regulation 3 of the Stamp Duty Reserve Tax (Amendment) Regulations 1993 ([S.I. 1993/3110](#)) and paragraph 14 of Schedule 2 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 ([S.I. 2009/56](#)).

(16) [S.I. 1987/821](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

**Commencement Information**

**I29** Sch. 2 para. 29 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I26** Sch. 2 para. 26 in force at 1.6.2009, see [art. 1](#)

**I27** Sch. 2 para. 27 in force at 1.6.2009, see [art. 1](#)

**I28** Sch. 2 para. 28 in force at 1.6.2009, see [art. 1](#)

**I29** Sch. 2 para. 29 in force at 1.6.2009, see [art. 1](#)

**Judicial Pensions (Preservation of Benefits) Order 1988**

**30.** In Schedule 1 to the Judicial Pensions (Preservation of Benefits) Order 1988(17) (schemes) in the final paragraph omit “Member of the Lands Tribunal”.

**Commencement Information**

**I30** Sch. 2 para. 30 in force at 1.6.2009, see [art. 1](#)

**Judicial Pensions (Requisite Benefits) Order 1988**

**31.** In Schedule 1 to the Judicial Pensions (Requisite Benefits) Order 1988(18) (schemes) in the final paragraph omit “Member of the Lands Tribunal”.

**Commencement Information**

**I31** Sch. 2 para. 31 in force at 1.6.2009, see [art. 1](#)

**Valuation and Community Charge Tribunals Regulations 1989**

**32.** The Valuation and Community Charge Tribunals Regulations 1989(19) are amended as follows.

**Commencement Information**

**I32** Sch. 2 para. 32 in force at 1.6.2009, see [art. 1](#)

**33.** In regulation 31(1)(d) (community charge appeals - review of decisions) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I33** Sch. 2 para. 33 in force at 1.6.2009, see [art. 1](#)

(17) [S.I. 1988/1418](#).

(18) [S.I. 1988/1420](#).

(19) [S.I. 1989/439](#). Regulations 31 and 49 were substituted by regulation 20 and 22 respectively of the Valuation and Community Charge Tribunals (Amendment) Regulations 1989 ([S.I. 1993/292](#)).



**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

34. In regulation 49(5)(c) (council tax appeals - review of decisions) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I34** Sch. 2 para. 34 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I32** Sch. 2 para. 32 in force at 1.6.2009, see [art. 1](#)

**I33** Sch. 2 para. 33 in force at 1.6.2009, see [art. 1](#)

**I34** Sch. 2 para. 34 in force at 1.6.2009, see [art. 1](#)

**Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989**

35. In regulation 3 to the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989(20) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I35** Sch. 2 para. 35 in force at 1.6.2009, see [art. 1](#)

**Housing (Prescribed Forms) (No.2) Regulations 1990**

36. In the Schedule to the Housing (Prescribed Forms) (No.2) Regulations 1990(21), in Forms 13, 14, 20 and 21, in the Schedule to each form for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I36** Sch. 2 para. 36 in force at 1.6.2009, see [art. 1](#)

**Non-Domestic Rating (Payment of Interest) Regulations 1990**

37. In regulation 3(4) and (5)(b) of the Non-Domestic Rating (Payment of Interest) Regulations 1990(22) (entitlement to interest) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I37** Sch. 2 para. 37 in force at 1.6.2009, see [art. 1](#)

**Civil Aviation Act 1982 (Jersey) Order 1990**

38. In paragraph 29(a)(i) of Schedule 1 to the Civil Aviation Act 1982 (Jersey) Order 1990(23) (extension of provisions of the Civil Aviation Act 1982 to the Bailiwick of Jersey)—

- (a) after ““accounting year”,” insert ““the appropriate tribunal”,”; and

(20) S.I. 1989/1060.

(21) S.I. 1990/1730.

(22) S.I. 1990/1904.

(23) S.I. 1990/2145.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

- (b) omit ““the Lands Tribunal”,”.

**Commencement Information**

**I38** Sch. 2 para. 38 in force at 1.6.2009, see [art. 1](#)

**Ancient Monuments (Claims for Compensation) (England) Regulations 1991**

**39.** In the Schedule to the Ancient Monuments (Claims for Compensation) (England) Regulations 1991(24)—

- (a) in Part 1 (claim for compensation under sections 7, 9 or 46 of the Ancient Monuments and Archaeological Areas Act 1979) in footnote 7 for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in Part 2 (claim for compensation from the Historic Buildings and Monuments Commission for England for Damage Caused to Land or Chattels) in footnote 2 for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I39** Sch. 2 para. 39 in force at 1.6.2009, see [art. 1](#)

**Civil Aviation Act 1982 (Guernsey) Order 1992**

**40.** In paragraph 29(a)(i) of Schedule 1 to the Civil Aviation Act 1982 (Guernsey) Order 1992(25) (extension of provisions of the Civil Aviation Act 1982 to the Bailiwick of Guernsey)—

- (a) after ““accounting year”,” insert ““the appropriate tribunal”,”; and
- (b) omit ““the Lands Tribunal”,”.

**Commencement Information**

**I40** Sch. 2 para. 40 in force at 1.6.2009, see [art. 1](#)

**Town and Country Planning General Regulations 1992**

**41.** In Schedule 2 to the Town and Country Planning General Regulations 1992(26) in the form entitled “Town and Country Planning Act 1990: Counter-Notice objecting to Blight Notice”—

- (a) for “to the Lands Tribunal” substitute “to the Upper Tribunal”; and
- (b) for “the Registrar, The Lands Tribunal, 48/49 Chancery Lane, London WC2A 1JR” substitute “the Upper Tribunal”.

**Commencement Information**

**I41** Sch. 2 para. 41 in force at 1.6.2009, see [art. 1](#)

(24) S.I. 1991/2512.

(25) S.I. 1992/230.

(26) S.I. 1992/1492.

### **Non-Domestic Rating Contributions (England) Regulations 1992**

**42.** In paragraph 4(6)(a) and (b) of Schedule 1 to the Non-Domestic Rating Contributions (England) Regulations 1992(**27**) (rules for the calculation of non-domestic rating contributions) for “Lands Tribunal” substitute “Upper Tribunal”.

#### **Commencement Information**

**I42** Sch. 2 para. 42 in force at 1.6.2009, see [art. 1](#)

### **Council Tax (Alteration of Lists and Appeals) Regulations 1993**

**43.** In regulation 30(1)(c) of the Council Tax (Alteration of Lists and Appeals) Regulations 1993(**28**) (review of decisions) for “Lands Tribunal” substitute “Upper Tribunal”.

#### **Commencement Information**

**I43** Sch. 2 para. 43 in force at 1.6.2009, see [art. 1](#)

### **Channel Tunnel (Security) Order 1994**

**44.** In Schedule 2 to the Channel Tunnel (Security) Order 1994(**29**) (provisions relating to compensation)—

- (a) in paragraph 7 for “Lands Tribunal” substitute “appropriate tribunal”;
- (b) after paragraph 7 insert—

“**7A.** In paragraph 7 “appropriate tribunal” means—

- (a) in the application of this Schedule to England and Wales, the Upper Tribunal;
- (b) in the application of this Schedule to Scotland, the Lands Tribunal for Scotland;
- (c) in the application of this Schedule to Northern Ireland, the Lands Tribunal for Northern Ireland.”; and

- (c) omit paragraphs 8(b) and 9(b) and the “and” immediately preceding each of them.

#### **Commencement Information**

**I44** Sch. 2 para. 44 in force at 1.6.2009, see [art. 1](#)

### **Conservation (Natural Habitats &c.) Regulations 1994**

**45.** The Conservation (Natural Habitats &c.) Regulations 1994(**30**) are amended as follows.

(27) [S.I. 1992/3082](#). Paragraph 4(6) was inserted by regulation 3(5) of the Non-Domestic Rating Contributions (England) (Amendment No.3) Regulations 1994 ([S.I. 1994/3139](#)).

(28) [S.I. 1993/290](#).

(29) [S.I. 1994/570](#).

(30) [S.I. 1994/2716](#). Regulation 92 was revoked in relation to Scotland by regulation 22(c) of the Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2004 ([S.S.I 2004/475](#)).

**Changes to legislation:** There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2.* (See end of Document for details)

**Commencement Information**  
**I45** Sch. 2 para. 45 in force at 1.6.2009, see **art. 1**

[<sup>F1</sup>**46.** In regulation 16(4) (management agreements) for “Lands Tribunal” substitute “Upper Tribunal”.]

**F1** Sch. 2 para. 46 revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)

**Commencement Information**  
**I46** Sch. 2 para. 46 in force at 1.6.2009, see **art. 1**

[<sup>F2</sup>**47.** In regulation 59(3) (planning permission: supplementary provisions as to compensation) for “Lands Tribunal” substitute “Upper Tribunal”.]

**F2** Sch. 2 para. 47 revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)

**Commencement Information**  
**I47** Sch. 2 para. 47 in force at 1.6.2009, see **art. 1**

<sup>F3</sup>**48.** . . . . .

**F3** Sch. 2 para. 48 revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)

<sup>F4</sup>**49.** . . . . .

**F4** Sch. 2 para. 49 revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)

[<sup>F5</sup>**50.** In regulation 82(4) (orders under the Transport and Works Act 1992: compensation for revocation or variation) for “Lands Tribunal” substitute “Upper Tribunal”.]

**F5** Sch. 2 para. 50 revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)

**Commencement Information**  
**I48** Sch. 2 para. 50 in force at 1.6.2009, see **art. 1**

[<sup>F6</sup>**51.** In regulation 92 (compensation: other supplementary provisions)—  
(a) in paragraph (3) for “by the Lands Tribunal” substitute “by the Upper Tribunal”; and  
(b) in paragraph (4) for “sections 2 and” substitute “section”.]

**F6** Sch. 2 para. 51 revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

**Commencement Information**

**I49** Sch. 2 para. 51 in force at 1.6.2009, see [art. 1](#)

**F752.** . . . . .

**F7** Sch. 2 para. 52 revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), [Sch. 7 Pt. 1](#) (with reg. 125)

**Town and Country Planning (Minerals) Regulations 1995**

**53.** In the Schedule to the Town and Country Planning (Minerals) Regulations 1995(31), in the entry for paragraph 2 in column (2), for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I50** Sch. 2 para. 53 in force at 1.6.2009, see [art. 1](#)

**Goods Vehicles (Licensing of Operators) Regulations 1995**

**54.** In Schedule 4 to the Goods Vehicles (Licensing of Operators) Regulations 1995(32) (inquiries) omit paragraph 2(5).

**Commencement Information**

**I51** Sch. 2 para. 54 in force at 1.6.2009, see [art. 1](#)

**Lands Tribunal Rules 1996**

**55.** The Lands Tribunal Rules 1996(33) are amended as follows.

**Commencement Information**

**I52** Sch. 2 para. 55 in force at 1.6.2009, see [art. 1](#)

**56.** For rule 1 (citation and commencement) substitute—

**“Citation, commencement and application**

**1.—(1)** These Rules may be cited as the Lands Tribunal Rules 1996 and shall come into force on 1st May 1996.

(31) [S.I. 1995/2863](#).

(32) [S.I. 1995/2869](#).

(33) [S.I. 1996/1022](#). The Rules were amended by the Lands Tribunal (Amendment) Rules 1997 ([S.I. 1997/1965](#)), the Lands Tribunal (Amendment) Rules 1998 ([S.I. 1998/22](#)), the Lands Tribunal (Amendment) Rules 2003 ([S.I. 2003/2945](#)), article 2 of and paragraph 54 of Schedule 1 to the Lord Chancellor (Transfer of Functions and Supplementary Provisions) Order 2006 ([S.I. 2006/680](#)) and the Lands Tribunal (Amendment) Rules 2006 ([S.I. 2006/880](#)).

**Changes to legislation:** There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2*. (See end of Document for details)

(2) These Rules apply to proceedings which have been assigned to the Lands Chamber of the Upper Tribunal by the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008(34).”.

#### Commencement Information

**I53** Sch. 2 para. 56 in force at 1.6.2009, see [art. 1](#)

**57.**—(1) Rule 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

(a) in the definition of “appeal”—

(i) after ““appeal”” insert “, except in Part 9,”; and

(ii) omit “Lands”;

(b) after the definition of “authority” insert—

““compulsory purchase compensation reference” means a reference of a question to the Tribunal—

(a) under section 1 of the 1961 Act;

(b) under section 11(4) of the Compulsory Purchase (Vesting Declarations) Act 1981(35); or

(c) to which the provisions of section 4 of the 1961 Act apply, with the exception of references—

(i) under section 16(7) of the City of London (Various Powers) Act 1967(36);

(ii) under section 307(1) of the Highways Act 1980(37); and

(iii) under regulation 96(2) of the Conservation (Natural Habitats, &c) Regulations 1994(38).”;

(c) omit the definitions of—

(i) “the office”; and

(ii) “the President”;

(d) in the definition of “proceedings” omit “Lands”;

(e) in the definition of “the registrar” for “an officer of the Lands Tribunal authorised by the Lord Chancellor, after consulting the Lord Chief Justice,” substitute “a member of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007(39) (tribunal staff and services) and authorised by the Senior President of Tribunals”; and

(f) for the definition of “the Tribunal” substitute—

““the Tribunal” means the Upper Tribunal;”.

(3) Omit paragraph (1A).

(34) *S.I. 2008/2684* as amended by the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2009 (*S.I. 2009/196*) and the First-tier Tribunal and Upper Tribunal (Chambers) (Amendment No. 2) Order 2009 (*S.I. 2009/1021*).

(35) 1981 c. 66.

(36) 1967 c. 42.

(37) 1980 c. 66.

(38) *S.I. 1994/2716*.

(39) 2007 c.15.

**Commencement Information**

**I54** Sch. 2 para. 57 in force at 1.6.2009, see [art. 1](#)

**58.** After rule 2 insert—

**“Delegation to staff**

**2A.**—(1) Staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 (tribunal staff and services) may, with the approval of the Senior President of Tribunals, carry out functions of a judicial nature permitted or required to be done by the Tribunal.

(2) The approval referred to at paragraph (1) may apply generally to the carrying out of specified functions by members of staff of a specified description in specified circumstances.

(3) Within 14 days after the date on which the Tribunal sends notice of a decision made by a member of staff under paragraph (1) to a party, that party may apply in writing to the Tribunal for that decision to be considered afresh by a judge.”

**Commencement Information**

**I55** Sch. 2 para. 58 in force at 1.6.2009, see [art. 1](#)

**59.** Omit rule 3 (selection and powers of members of the tribunal).

**Commencement Information**

**I56** Sch. 2 para. 59 in force at 1.6.2009, see [art. 1](#)

**60.** In rule 5 (hearings to be held in public: exceptions)—

- (a) for the heading substitute “Public and private hearings”;
- (b) in paragraph (1) for “All” substitute “Subject to paragraph (1A), all”;
- (c) after paragraph (1) insert—

“(1A) Any hearing in proceedings on a compulsory purchase compensation reference shall be in public.”

- (d) for paragraph (2) substitute—

“(2) A judge or other member of the Tribunal shall be entitled to attend a hearing whether or not it is in private, notwithstanding that they do not constitute the Tribunal for the purpose of the hearing.”

**Commencement Information**

**I57** Sch. 2 para. 60 in force at 1.6.2009, see [art. 1](#)

**61.** In rule 5A (application of Part 2A) omit “Lands”.

**Changes to legislation:** There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2*. (See end of Document for details)

**Commencement Information**

**I58** Sch. 2 para. 61 in force at 1.6.2009, see [art. 1](#)

**62.** In rule 5B(A) and (1) (interpretation) for “first-tier tribunal” substitute “first instance tribunal”.

**Commencement Information**

**I59** Sch. 2 para. 62 in force at 1.6.2009, see [art. 1](#)

**63.** In rule 5C (application for permission to appeal)—

- (a) in paragraphs (1), (2), (4)(c) and (5) omit “Lands”; and
- (b) in paragraphs (1), (2) and (4)(b) for “first-tier” substitute “first instance”.

**Commencement Information**

**I60** Sch. 2 para. 63 in force at 1.6.2009, see [art. 1](#)

**64.** In rule 6 (notice of appeal)—

- (a) in paragraph (1) omit “Lands”;
- (b) after paragraph (1) insert—

“(1ZA) In an appeal under regulation 37(1) of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005<sup>(40)</sup> or regulation 37(1) of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005<sup>(41)</sup>, for the purposes of paragraph (1) of this rule the date on which the disputed decision was sent includes—

- (i) if an application for the disputed decision to be reviewed was made within the time specified in regulation 35(3) of either Regulations, the date on which notice of a decision not to undertake a review was served; or
- (ii) the date on which notice was served of a decision not to set aside the disputed decision on a review under regulation 35(1) of either Regulations.”;
- (c) in paragraph (1B)(b) for “first-tier” substitute “first instance”; and
- (d) in paragraph (5) omit “Lands”.

**Commencement Information**

**I61** Sch. 2 para. 64 in force at 1.6.2009, see [art. 1](#)

**65.** In rule 9 (application of Part 4) omit “Lands”.

<sup>(40)</sup> S.I. 2005/659.

<sup>(41)</sup> S.I. 2005/758.



**Commencement Information**

**I62** Sch. 2 para. 65 in force at 1.6.2009, see [art. 1](#)

**66.** In rule 10 (notice of reference)—

- (a) in paragraph (4)(b) omit “Lands”; and
- (b) after paragraph (5) add—

“(6) In a reference under section 153(1) of the Town and Country Planning Act 1990<sup>(42)</sup>, the notice of reference must be given to the Tribunal within two months of the date of service of the counter-notice.

(7) In a reference under regulation 7(1) or 12(3) of the Town and Country Planning (Compensation and Certificates) Regulations 1974<sup>(43)</sup>, the notice of reference must be given to the Tribunal within 30 days of the issue of notice of the decision or findings to which the dispute relates.

(8) In a reference under regulation 15(1) of the Town and Country Planning (Compensation and Certificates) Regulations 1974—

- (a) the notice of reference must be given to the Tribunal within 30 days of the Secretary of State’s determination; and
- (b) the notice of reference must specify whether the objection is on ground (a) or ground (b) as set out in regulation 14(4) of those Regulations.”.

**Commencement Information**

**I63** Sch. 2 para. 66 in force at 1.6.2009, see [art. 1](#)

**67.** In rule 16 (suspension of proceedings)—

- (a) omit “the President or”;
- (b) in paragraph (a) omit “his or”; and
- (c) omit “he or”.

**Commencement Information**

**I64** Sch. 2 para. 67 in force at 1.6.2009, see [art. 1](#)

**68.** In rule 17 (order without hearing, etc.)—

- (a) in paragraph (1)—
  - (i) for “President” substitute “Tribunal”;
  - (ii) for “he” substitute “the Tribunal”; and
  - (iii) for “his” substitute “its”; and
- (b) in paragraph (2) for “President” substitute “Tribunal”.

<sup>(42)</sup> 1990 c. 8.

<sup>(43)</sup> S.I. 1974/1242.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

**Commencement Information**

**I65** Sch. 2 para. 68 in force at 1.6.2009, see [art. 1](#)

- 69.** In rule 19 (enquiries of local authorities)—
- (a) for “the President or the Tribunal consider” substitute “the Tribunal considers”; and
  - (b) for “they” substitute “the Tribunal”.

**Commencement Information**

**I66** Sch. 2 para. 69 in force at 1.6.2009, see [art. 1](#)

- 70.** In rule 21(1) (form of application under section 2 of the Rights of Light Act 1959) omit “Lands”.

**Commencement Information**

**I67** Sch. 2 para. 70 in force at 1.6.2009, see [art. 1](#)

- 71.** In rule 26(f) (application of the Arbitration Act 1996) omit “Lands”.

**Commencement Information**

**I68** Sch. 2 para. 71 in force at 1.6.2009, see [art. 1](#)

- 72.** In rule 26A (application of the Arbitration Act 1996) omit “Lands” in both places.

**Commencement Information**

**I69** Sch. 2 para. 72 in force at 1.6.2009, see [art. 1](#)

- 73.** In rule 28 (simplified procedure)—
- (a) in paragraph (1) for “A member” substitute “The Tribunal”; and
  - (b) for paragraph (9) substitute—  
“(9) The hearing shall be informal and the Tribunal shall act as if it were an arbitrator and shall adopt any procedure that it considers to be fair.”.

**Commencement Information**

**I70** Sch. 2 para. 73 in force at 1.6.2009, see [art. 1](#)

- 74.** Omit rule 29A (assessors).

**Commencement Information**

**I71** Sch. 2 para. 74 in force at 1.6.2009, see [art. 1](#)

- 75.** In rule 30(1) (consolidation of proceedings) omit—

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

- (a) “the President or”; and
- (b) “his or”.

.....  
**Commencement Information**

**I72** Sch. 2 para. 75 in force at 1.6.2009, see [art. 1](#)

**76.** In rule 31 (power to select test case in appeals or references)—

- (a) in paragraph (1)—
  - (i) for “President” substitute “Tribunal”; and
  - (ii) for “he” substitute “the Tribunal”; and
- (b) omit paragraph (2).

.....  
**Commencement Information**

**I73** Sch. 2 para. 76 in force at 1.6.2009, see [art. 1](#)

**77.** In rule 32(a) (application of Arbitration Act 1996) omit “Lands”.

.....  
**Commencement Information**

**I74** Sch. 2 para. 77 in force at 1.6.2009, see [art. 1](#)

**78.** In rule 33 (evidence)—

- (a) in paragraph (1) omit “or President”; and
- (b) in paragraph (3) for “President” in each place substitute “Tribunal”.

.....  
**Commencement Information**

**I75** Sch. 2 para. 78 in force at 1.6.2009, see [art. 1](#)

**79.** In rule 37(1) and (2) (right of audience) omit “the President or”.

.....  
**Commencement Information**

**I76** Sch. 2 para. 79 in force at 1.6.2009, see [art. 1](#)

**80.** In rule 38 (interlocutory applications)—

- (a) in paragraphs (1), (8), (9) and (10) for “President” substitute “Tribunal” and;
- (b) omit paragraph (11).

.....  
**Commencement Information**

**I77** Sch. 2 para. 80 in force at 1.6.2009, see [art. 1](#)

**81.** In rule 39(6) (pre-trial review) for “(11)” substitute “(10)”.

**Changes to legislation:** There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2*. (See end of Document for details)

**Commencement Information**

**I78** Sch. 2 para. 81 in force at 1.6.2009, see [art. 1](#)

- 82.** In rule 43 (preliminary issues)—
- (a) in paragraph (1) omit “President or the”; and
  - (b) in paragraph (3) for “President” substitute “Tribunal”.

**Commencement Information**

**I79** Sch. 2 para. 82 in force at 1.6.2009, see [art. 1](#)

- 83.** In rule 45 (withdrawal or dismissal of appeal etc, before hearing)—
- (a) in paragraph (2)—
    - (i) for “President”, in each place, substitute “Tribunal”; and
    - (ii) for “he” substitute “it”; and
  - (b) in paragraph (3) for “President” substitute “Tribunal”.

**Commencement Information**

**I80** Sch. 2 para. 83 in force at 1.6.2009, see [art. 1](#)

- 84.** In rule 47 (failure to comply with the rules not to render proceedings invalid) omit “the President or”.

**Commencement Information**

**I81** Sch. 2 para. 84 in force at 1.6.2009, see [art. 1](#)

- 85.** In rule 48 (procedure at hearing) omit “and to any direction by the President”.

**Commencement Information**

**I82** Sch. 2 para. 85 in force at 1.6.2009, see [art. 1](#)

- 86.** In rule 50 (decision of tribunal)—
- (a) in paragraph (5) for “Registrar” substitute “Tribunal”;
  - (b) in paragraph (6) for “on which a case has been stated for the decision of the Court of Appeal” substitute “which has been appealed to the Court of Appeal”; and
  - (c) after paragraph (6) insert—
    - “(7) Where the Tribunal has made an award in proceedings on a compulsory purchase compensation reference, on the application of any party the Tribunal must specify the amount awarded in respect of any particular matter the subject of the award.”

**Commencement Information**

**I83** Sch. 2 para. 86 in force at 1.6.2009, see [art. 1](#)

- 87.** In rule 52 (costs)—
- (a) for the heading substitute “taxation of costs”;
  - (b) omit paragraph (1);
  - (c) in paragraph (3)—
    - (i) for “President who” substitute “Tribunal which”; and
    - (ii) for “he” substitute “it”; and
  - (d) in paragraph (7)
    - (i) for “President”, in each place, substitute “Tribunal”; and
    - (ii) for “he” substitute “it”.

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**Commencement Information**

**184** Sch. 2 para. 87 in force at 1.6.2009, see [art. 1](#)

- 88.** In rule 54 (service of notices)—
- (a) omit paragraph (4); and
  - (b) in paragraph (5) omit—
    - (i) “President or to any member of the Lands”; and
    - (ii) “at the office”.

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**Commencement Information**

**185** Sch. 2 para. 88 in force at 1.6.2009, see [art. 1](#)

- 89.** In rule 56 (substituted service) omit—
- (a) “President or the”; and
  - (b) “President or”.

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**Commencement Information**

**186** Sch. 2 para. 89 in force at 1.6.2009, see [art. 1](#)

- 90.** For Part 9 (transitional provisions) substitute—

## “PART 8A

### Permission to appeal to the Court of Appeal and review

#### Interpretation of Part 8A

- 57.** In this Part—
- “appeal” means the exercise of a right of appeal on a point of law under section 13 of the Tribunals, Courts and Enforcement Act 2007; and
  - “review” means the review of a decision by the Tribunal under section 10 of that Act.

### **Application for permission to appeal**

**58.**—(1) A person seeking permission to appeal must make a written application to the Tribunal for permission to appeal.

(2) An application under paragraph (1) must be sent or delivered to the Tribunal so that it is received within 28 days after the date on which the Tribunal sent a copy of the decision, or an order stating its effect, to the party making the application.

(3) If the person seeking permission to appeal sends or delivers the application to the Tribunal later than the time required by paragraph (2), or by any extension of time under rule 35 (extension of time)—

- (a) the application must include a request for an extension of time and the reason why the application was not sent or delivered to the Tribunal in time; and
- (b) unless the Tribunal decides to extend time for the application, the Tribunal must refuse the application.

(4) An application under paragraph (1) must—

- (a) identify the decision of the Tribunal to which it relates;
- (b) identify the alleged error or errors of law in the decision; and
- (c) state the result the person making the application is seeking.

### **Tribunal's consideration of application for permission to appeal**

**59.**—(1) On receiving an application for permission to appeal the Tribunal may review the decision in accordance with rule 60 (review of a decision), but may only do so if—

- (a) when making the decision the Tribunal overlooked a legislative provision or binding authority which could have had a material effect on the decision; or
- (b) since the Tribunal's decision, a court has made a decision which is binding on the Tribunal and which, had it been made before the Tribunal's decision, could have had a material effect on the decision.

(2) If the Tribunal decides not to review the decision, or reviews the decision and decides to take no action in relation to the decision or part of it, the Tribunal must consider whether to give permission to appeal in relation to the decision or that part of it.

(3) The Tribunal must send a record of its decision to the parties as soon as practicable.

(4) If the Tribunal refuses permission to appeal it must send with the record of its decision—

- (a) a statement of its reasons for such refusal; and
- (b) notification of the right to make an application to the relevant appellate court for permission to appeal and the time within which, and the method by which, such application must be made.

(5) The Tribunal may give permission to appeal on limited grounds, but must comply with paragraph (4) in relation to any grounds on which it has refused permission.

### **Review of a decision**

**60.**—(1) The Tribunal may only undertake a review of a decision pursuant to rule 59(1) (review on an application for permission to appeal).

(2) The Tribunal must notify the parties in writing of the outcome of any review and of any rights of review or appeal in relation to the outcome.

(3) If the Tribunal decides to take any action in relation to a decision following a review without first giving every party an opportunity to make representations, the notice under paragraph (2) must state that any party that did not have an opportunity to make representations may apply for such action to be set aside and for the decision to be reviewed again.”.

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**Commencement Information**

**I87** Sch. 2 para. 90 in force at 1.6.2009, see [art. 1](#)

**91.** In Schedule 1—

- (a) in Form 1 (application for certificate under section 2 of the Rights of Light Act 1959) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”;
- (b) in Form 2 (temporary certificate for registration of a notice under section 2 of the Rights of Light Act 1959) for “Lands Tribunal” substitute “Upper Tribunal”;
- (c) in Form 3 (certificate for registration of a notice under section 2 of the Rights of Light Act 1959) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
- (d) in Form 4 (certificate for registration of a notice under section 2 of the Rights of Light Act 1959 following registration of a temporary notice) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

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**Commencement Information**

**I88** Sch. 2 para. 91 in force at 1.6.2009, see [art. 1](#)

**92.** Omit Schedule 2 (revocations).

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**Commencement Information**

**I89** Sch. 2 para. 92 in force at 1.6.2009, see [art. 1](#)

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**Commencement Information**

**I52** Sch. 2 para. 55 in force at 1.6.2009, see [art. 1](#)  
**I53** Sch. 2 para. 56 in force at 1.6.2009, see [art. 1](#)  
**I54** Sch. 2 para. 57 in force at 1.6.2009, see [art. 1](#)  
**I55** Sch. 2 para. 58 in force at 1.6.2009, see [art. 1](#)  
**I56** Sch. 2 para. 59 in force at 1.6.2009, see [art. 1](#)  
**I57** Sch. 2 para. 60 in force at 1.6.2009, see [art. 1](#)  
**I58** Sch. 2 para. 61 in force at 1.6.2009, see [art. 1](#)  
**I59** Sch. 2 para. 62 in force at 1.6.2009, see [art. 1](#)  
**I60** Sch. 2 para. 63 in force at 1.6.2009, see [art. 1](#)  
**I61** Sch. 2 para. 64 in force at 1.6.2009, see [art. 1](#)  
**I62** Sch. 2 para. 65 in force at 1.6.2009, see [art. 1](#)  
**I63** Sch. 2 para. 66 in force at 1.6.2009, see [art. 1](#)  
**I64** Sch. 2 para. 67 in force at 1.6.2009, see [art. 1](#)  
**I65** Sch. 2 para. 68 in force at 1.6.2009, see [art. 1](#)  
**I66** Sch. 2 para. 69 in force at 1.6.2009, see [art. 1](#)  
**I67** Sch. 2 para. 70 in force at 1.6.2009, see [art. 1](#)  
**I68** Sch. 2 para. 71 in force at 1.6.2009, see [art. 1](#)

**Changes to legislation:** There are currently no known outstanding effects for the *The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2*. (See end of Document for details)

<b>I69</b>	Sch. 2 para. 72 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I70</b>	Sch. 2 para. 73 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I71</b>	Sch. 2 para. 74 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I72</b>	Sch. 2 para. 75 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I73</b>	Sch. 2 para. 76 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I74</b>	Sch. 2 para. 77 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I75</b>	Sch. 2 para. 78 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I76</b>	Sch. 2 para. 79 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I77</b>	Sch. 2 para. 80 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I78</b>	Sch. 2 para. 81 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I79</b>	Sch. 2 para. 82 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I80</b>	Sch. 2 para. 83 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I81</b>	Sch. 2 para. 84 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I82</b>	Sch. 2 para. 85 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I83</b>	Sch. 2 para. 86 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I84</b>	Sch. 2 para. 87 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I85</b>	Sch. 2 para. 88 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I86</b>	Sch. 2 para. 89 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I87</b>	Sch. 2 para. 90 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I88</b>	Sch. 2 para. 91 in force at 1.6.2009, see <a href="#">art. 1</a>
<b>I89</b>	Sch. 2 para. 92 in force at 1.6.2009, see <a href="#">art. 1</a>

### Hedgerows Regulations 1997

**93.** In regulation 14 of the Hedgerows Regulations 1997(44) (rights of entry: supplementary provisions)—

- (a) in paragraph (5) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph (6) for “sections 2 and” substitute “section”.

#### Commencement Information

**I90** Sch. 2 para. 93 in force at 1.6.2009, see [art. 1](#)

### Anti-Pollution Works Regulations 1999

**94.** In paragraph 6 of the Schedule to the Anti-Pollution Works Regulations 1999(45) (compensation for grant of rights)—

- (a) in sub-paragraph (1) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in sub-paragraph (2)—
  - (i) for “sections 2 and” substitute “section”;
  - (ii) omit “procedure on references to the Lands Tribunal and”; and
  - (iii) omit paragraph (a) and the following “and”.

#### Commencement Information

**I91** Sch. 2 para. 94 in force at 1.6.2009, see [art. 1](#)

(44) S.I. 1997/1160.

(45) S.I. 1999/1006.



**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

### Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003

**95.** In regulation 20 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003(46) (permission to appeal) for “Lands Tribunal” substitute “Upper Tribunal”.

#### Commencement Information

**I92** Sch. 2 para. 95 in force at 1.6.2009, see [art. 1](#)

### Fur Farming (Compensation Scheme) (England) Order 2004

**96.** The Fur Farming (Compensation Scheme) (England) Order 2004(47) is amended as follows.

#### Commencement Information

**I93** Sch. 2 para. 96 in force at 1.6.2009, see [art. 1](#)

**97.** In regulation 5(3)(b) (determination of entitlement to compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

#### Commencement Information

**I94** Sch. 2 para. 97 in force at 1.6.2009, see [art. 1](#)

**98.** In regulation 6(3)(c) and (4)(b) (determination as to amount) for “Lands Tribunal” substitute “Upper Tribunal”.

#### Commencement Information

**I95** Sch. 2 para. 98 in force at 1.6.2009, see [art. 1](#)

#### Commencement Information

**I93** Sch. 2 para. 96 in force at 1.6.2009, see [art. 1](#)

**I94** Sch. 2 para. 97 in force at 1.6.2009, see [art. 1](#)

**I95** Sch. 2 para. 98 in force at 1.6.2009, see [art. 1](#)

### Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004

**99.** In the Schedule to the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004(48) (forms)—

- (a) in Form 8 (notice to a qualifying person of land (or of land subject to new rights) comprised in a compulsory purchase order), in paragraph 3 for “Lands Tribunal” substitute “Upper Tribunal”; and

(46) [S.I. 2003/2099](#).

(47) [S.I. 2004/1964](#).

(48) [S.I. 2004/2595](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

- (b) in Form 9 (notice to a qualifying person of land (or of land subject to new rights) comprised in a compulsory purchase order made on behalf of a council), in paragraph 3 for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I96** Sch. 2 para. 99 in force at 1.6.2009, see [art. 1](#)

**Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005**

**100.** The Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005<sup>(49)</sup> are amended as follows.

**Commencement Information**

**I97** Sch. 2 para. 100 in force at 1.6.2009, see [art. 1](#)

**101.** In regulation 4(1)(e) and (3)(b)(ii) and (c) (circumstances in which proposals may be made) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

**Commencement Information**

**I98** Sch. 2 para. 101 in force at 1.6.2009, see [art. 1](#)

**102.** In regulation 8(10)(b)(i) and (ii) (invalid proposals) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I99** Sch. 2 para. 102 in force at 1.6.2009, see [art. 1](#)

**103.** In regulation 17(4)(b) and (5)(b)(i) and (ii) (notification of alteration) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

**Commencement Information**

**I100** Sch. 2 para. 103 in force at 1.6.2009, see [art. 1](#)

**104.** In regulation 35(2), (5)(c) and (9) (review of decisions) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

**Commencement Information**

**I101** Sch. 2 para. 104 in force at 1.6.2009, see [art. 1](#)

**105.** In regulation 37 (appeals)—

- (a) in paragraphs (1), (5) and (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) omit paragraphs (3) and (4).

<sup>(49)</sup> S.I. 2005/659.

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

**Commencement Information**

**I102** Sch. 2 para. 105 in force at 1.6.2009, see [art. 1](#)

**106.** In regulation 39(1)(b), (3) and (4) (notification of further proceedings) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I103** Sch. 2 para. 106 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I97** Sch. 2 para. 100 in force at 1.6.2009, see [art. 1](#)

**I98** Sch. 2 para. 101 in force at 1.6.2009, see [art. 1](#)

**I99** Sch. 2 para. 102 in force at 1.6.2009, see [art. 1](#)

**I100** Sch. 2 para. 103 in force at 1.6.2009, see [art. 1](#)

**I101** Sch. 2 para. 104 in force at 1.6.2009, see [art. 1](#)

**I102** Sch. 2 para. 105 in force at 1.6.2009, see [art. 1](#)

**I103** Sch. 2 para. 106 in force at 1.6.2009, see [art. 1](#)

**Public Contracts Regulations 2006**

<sup>F8</sup>**107.** . . . . .

**F8** Sch. 2 para. 107 revoked (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 3 Pt. 2** (with reg. 5)

**Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006**

**108.** The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006(**50**) are amended as follows.

**Commencement Information**

**I104** Sch. 2 para. 108 in force at 1.6.2009, see [art. 1](#)

**109.** In regulation 11(1)(g) (registers of licences) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I105** Sch. 2 para. 109 in force at 1.6.2009, see [art. 1](#)

**110.** In regulation 12(1)(g) (registers of temporary exemption notices) for “Lands Tribunal” substitute “Upper Tribunal”.

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(50) [S.I. 2006/373](#).

*Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)*

**Commencement Information**

**I106** Sch. 2 para. 110 in force at 1.6.2009, see [art. 1](#)

**111.** In regulation 13(1)(f) (registers of management orders) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I107** Sch. 2 para. 111 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I104** Sch. 2 para. 108 in force at 1.6.2009, see [art. 1](#)

**I105** Sch. 2 para. 109 in force at 1.6.2009, see [art. 1](#)

**I106** Sch. 2 para. 110 in force at 1.6.2009, see [art. 1](#)

**I107** Sch. 2 para. 111 in force at 1.6.2009, see [art. 1](#)

**Residential Property Tribunal Procedure (England) Regulations 2006**

**112.** In regulation 35(1), (2) and (6) of the Residential Property Tribunal Procedure (England) Regulations 2006<sup>(51)</sup> for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I108** Sch. 2 para. 112 in force at 1.6.2009, see [art. 1](#)

**Contaminated Land (England) Regulations 2006**

**113.** In Schedule 2 to the Contaminated Land (England) Regulations 2006<sup>(52)</sup> (compensation for rights of entry etc.)—

- (a) in paragraph 5(3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 6—
  - (i) in sub-paragraphs (2)(c) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (ii) for sub-paragraph (4) substitute—

“(4) In relation to the determination of any such question, section 4 of the 1961 Act (costs) applies as if the reference in section 2(1) of that Act to section 1 of that Act were a reference to sub-paragraph (3) of this paragraph.”.

**Commencement Information**

**I109** Sch. 2 para. 113 in force at 1.6.2009, see [art. 1](#)

<sup>(51)</sup> S.I. 2006/831.  
<sup>(52)</sup> S.I. 2006/1380.

## Transport and Works (Model Clauses for Railways and Tramways) Order 2006

114. The Transport and Works (Model Clauses for Railways and Tramways) Order 2006(53) is amended as follows.

### Commencement Information

I110 Sch. 2 para. 114 in force at 1.6.2009, see [art. 1](#)

115. In Schedule 1 (model clauses for railways)—

- (a) in clause 1(1) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 5 of Schedule 8, in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

I111 Sch. 2 para. 115 in force at 1.6.2009, see [art. 1](#)

116. In Schedule 2 (model clauses for tramways)—

- (a) in clause 1(1) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 5 of Schedule 8, in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

I112 Sch. 2 para. 116 in force at 1.6.2009, see [art. 1](#)

### Commencement Information

I110 Sch. 2 para. 114 in force at 1.6.2009, see [art. 1](#)

I111 Sch. 2 para. 115 in force at 1.6.2009, see [art. 1](#)

I112 Sch. 2 para. 116 in force at 1.6.2009, see [art. 1](#)

## Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006

117. In paragraph 9 of Schedule 4 to the Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006(54) (review of decisions and consents) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

I113 Sch. 2 para. 117 in force at 1.6.2009, see [art. 1](#)

(53) S.I. 2006/1954.

(54) S.I. 2006/2522.

*Changes to legislation:* There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

**National Assembly for Wales (Disqualification) Order 2006**

**118.** In Part 1 of the Schedule to the National Assembly for Wales (Disqualification) Order 2006(55) (bodies of which all members are disqualified) omit the entry for the Lands Tribunal.

**Commencement Information**

**I114** Sch. 2 para. 118 in force at 1.6.2009, see [art. 1](#)

**Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007**

**119.** In regulation 3(b) of the Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007(56) (form and content of summary of rights and obligations of interest), in paragraph (6) of the statement for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I115** Sch. 2 para. 119 in force at 1.6.2009, see [art. 1](#)

**Administration Charges (Summary of Rights and Obligations) (England) Regulations 2007**

**120.** In regulation 2(b) of the Administration Charges (Summary of Rights and Obligations) (England) Regulations 2007(57) (form and content of summary of rights and obligations), in paragraph (7) of the statement for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I116** Sch. 2 para. 120 in force at 1.6.2009, see [art. 1](#)

**Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007**

<sup>F9</sup>**121.** . . . . .

**F9** Sch. 2 para. 121 omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), [Sch. para. 75](#)

**Environmental Permitting (England and Wales) Regulations 2007**

**122.** The Environmental Permitting (England and Wales) Regulations 2007(58) are amended as follows.

(55) [S.I. 2006/3335](#).  
(56) [S.I. 2007/1257](#).  
(57) [S.I. 2007/1258](#).  
(58) [S.I. 2007/3538](#).

**Commencement Information**

**I117** Sch. 2 para. 122 in force at 1.6.2009, see [art. 1](#)

**123.** In regulation 72 after paragraph (10) add—

“(11) In the application of any provision by virtue of this regulation—

- (a) any reference to the Lands Tribunal must be read as a reference to the Upper Tribunal;
- (b) any reference to section 2 of the Land Compensation Act 1961 must be omitted; and
- (c) for the purposes of the Tribunal Procedure (Upper Tribunal) (Land Chamber) Rules 2009, any proceedings to which section 2 of the Land Compensation Act 1961 would have applied but for sub-paragraph (b) shall be proceedings on a compulsory purchase compensation reference.”

**Commencement Information**

**I118** Sch. 2 para. 123 in force at 1.6.2009, see [art. 1](#)

**124.** In paragraph 26 of Schedule 5 (environmental permits – payment of compensation)—

- (a) in sub-paragraphs (2)(c) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for sub-paragraph (4) substitute—

“(4) In relation to the determination of such a question, section 4 of the Land Compensation Act 1961 applies as if the reference in section 2(1) of that Act to section 1 of that Act were a reference to sub-paragraph (3) of this paragraph.”

**Commencement Information**

**I119** Sch. 2 para. 124 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I117** Sch. 2 para. 122 in force at 1.6.2009, see [art. 1](#)

**I118** Sch. 2 para. 123 in force at 1.6.2009, see [art. 1](#)

**I119** Sch. 2 para. 124 in force at 1.6.2009, see [art. 1](#)

**London Gateway Port Harbour Empowerment Order 2008**

**125.** In article 2(1) of the London Gateway Port Harbour Empowerment Order 2008(**59**) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I120** Sch. 2 para. 125 in force at 1.6.2009, see [art. 1](#)

(59) [S.I. 2008/1261](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2. (See end of Document for details)

## Judicial Appointments Order 2008

**126.** In Part 1 of Schedule 1 to the Judicial Appointments Order 2008<sup>(60)</sup> (offices for which a Fellow of the Institute of Legal Executives holds a relevant qualification) at the end of the list add—

“Adjudicators appointed under regulation 9 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008<sup>(61)</sup>

### Commencement Information

**I121** Sch. 2 para. 126 in force at 1.6.2009, see [art. 1](#)

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<sup>(60)</sup> S.I. 2008/2995.

<sup>(61)</sup> S.I. 2008/609.



**Changes to legislation:**

There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009, SCHEDULE 2.