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STATUTORY INSTRUMENTS

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**1950 No. 513**

**The Lands Tribunal (War Damage  
Appeals Jurisdiction) Order 1950**

**PART II**

**APPEALS AGAINST DETERMINATIONS OF THE COMMISSION  
UNDER SECTION 32 (2) OF THE PRINCIPAL ACT**

**5.** This Part of this Order applies to any appeal under subsection (2) of section thirty-two of the principal Act and the provisions of Part I of the 1949 Rules shall not apply to any such appeal.

**Notice of appeal**

**6.** An appeal may be instituted by sending to the registrar in duplicate a written notice of appeal substantially in accordance with form A or form B, whichever is appropriate. Every notice of appeal shall contain a statement that the appellant does, or that he does not, propose to call an expert witness at the hearing of the appeal.

**Time for giving notice**

**7.** A notice of appeal shall not be valid unless it is given by a person interested and is sent to the registrar before the expiration of sixty clear days from the date of the determination of the Commission in respect of which the appeal is instituted.

**Entry of appeal**

**8.—(1)** Upon receiving a notice of appeal the registrar shall enter particulars of the appeal in the Register of Appeals against Determinations and shall forthwith send a duplicate notice to the Commission and shall inform the appellant and the Commission of the number of the appeal entered in the register, which shall thereafter constitute the title of the appeal.

**(2)** Upon receiving the duplicate notice of appeal the Commission shall forthwith send to the registrar a copy of the determination referred to therein.

**Notification of appeal to interested parties**

**9.** Upon receipt of a duplicate notice of appeal the Commission shall forthwith send to every person appearing to the Commission to be a person interested a notice informing him of the appeal and shall send to the registrar a list of names and addresses of the persons interested to whom they have sent such notices.

**Power to require further particulars**

**10.—(1)** Subject to any directions which may be given by the President, the registrar may, at any time after receiving a notice of appeal, require an appellant to furnish a statement setting out further and better particulars of the grounds of appeal and any facts and contentions relevant thereto.

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(2) The appellant shall, within such time as may be prescribed by the registrar, not being less than fourteen days after the date of the requirement, send such a statement to the registrar in duplicate and shall send copies thereof to such other appellant, if any, being an appellant who has given notice of appeal against the same determination, as the registrar may direct.

(3) Upon receipt of the statement the registrar shall forthwith send a duplicate copy thereof to the Commission.

### **More than one appeal from the same determination**

**11.**—(1) Where two or more persons interested in respect of a single hereditament have separately given notice of appeal from the same determination of the Commission, the appeals shall be heard together as one appeal.

(2) The President may, in any such case, if it appears to him that the contentions put forward by any two or more appellants are substantially the same, direct that one of those appellants shall alone be entitled to appear at the hearing of the appeal, and may require the appellants concerned, within such period as he may allow, to select, or, failing their selection within the period allowed, may himself select, one of their number to represent them jointly in the conduct of the appeal:

Provided that any appellant who claims that he would be prejudiced by such a direction may, within the period allowed by the President, apply to the President for leave to appear separately at the hearing of the appeal, and the President may thereupon, in his discretion, either adhere to or revise his direction, or give such other direction as to the appearance, and order of appearance, of the appellants at the hearing of the appeal as he may think just in the circumstances.

(3) The registrar shall forthwith send notice of any direction given by the President under this Article to each appellant and to the Commission.

(4) The Commission shall, at the request of the registrar, furnish the President with any information required by him for the purpose of exercising his powers under this Article, and, in particular, information as to the land constituting the hereditament as determined by the Commission under section five of the principal Act and as to the nature of the proprietary or other interest in the hereditament of any person interested.

### **Power to require particulars of determination**

**12.** The President or the tribunal may at any time request the Commission to furnish particulars of any determination of the Commission which appear to be requisite for the decision of the appeal, and thereupon the Commission shall furnish the particulars to the registrar and to the appellant.

### **Appellant limited to grounds of appeal**

**13.** On the hearing of an appeal the appellant shall not be entitled to rely upon any ground of appeal not stated in his notice of appeal or in his statement of grounds of appeal unless the tribunal thinks it just in all the circumstances, and on such terms as to costs or adjournment or otherwise as it may think fit, to allow such additional ground of appeal to be put forward as may appear to it to be material.

### **Protection of persons interested not parties to an appeal**

**14.** If at the hearing of an appeal it appears to the tribunal that the appellant has established a prima facie case for varying the determination of the Commission and that the variation may affect prejudicially a person interested who is not a party to the appeal, the tribunal may, before deciding the appeal, afford an opportunity to that person to be joined as a party to the appeal and to be heard by the tribunal, and may give such directions as may be requisite for the purpose.