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STATUTORY INSTRUMENTS

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**2009 No. 1307**

**TRIBUNALS AND INQUIRIES  
JUDICIAL APPOINTMENTS AND DISCIPLINE**

**The Transfer of Tribunal Functions (Lands Tribunal  
and Miscellaneous Amendments) Order 2009**

*Made* - - - - 21st May 2009  
*Coming into force* - - 1st June 2009

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 30(1) and (4), 31(1), (2), (7) and (9), 38, 51(1) and 145 of the Tribunals, Courts and Enforcement Act 2007(1).

The Lord Chancellor has consulted the Lord Chief Justice of England and Wales and the Judicial Appointments Commission in accordance with section 51(9) of that Act, and the Administrative Justice and Tribunals Council in accordance with paragraph 24(1) of Schedule 7 to that Act.

A draft of this Order was laid before Parliament and approved by resolution of each House of Parliament in accordance with sections 49(5) and 51(14) of that Act.

**Citation and commencement** **U.K.**

1. This Order may be cited as the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 and comes into force on 1st June 2009.

**Commencement Information**

II Art. 1 in force at 1.6.2009, see [art. 1](#)

**Transfer of functions and abolition of the Lands Tribunal** **U.K.**

- 2.—(1) The functions of the Lands Tribunal are transferred to the Upper Tribunal.  
(2) The Lands Tribunal is abolished.

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(1) 2007 c.15. Section 51 is amended by section 208(1) of, and paragraph 162 of Schedule 21 to, the [Legal Services Act 2007](#) (c.29) from a date to be appointed.

#### Commencement Information

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

### Transfer of persons into the Upper Tribunal **U.K.**

**3.** A person who, immediately before this Order comes into force, holds an office listed in column (1) of the following table is to hold the office or offices listed in the corresponding entry in column (2) of the table.

<i>(1) Office held</i>	<i>(2) Office to be held</i>
President of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949 <a href="#">(c.42)</a>	Transferred-in judge of the Upper Tribunal
Other member of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949	Transferred-in other member of the Upper Tribunal

#### Commencement Information

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

### Transfer of Rules **U.K.**

**4.** The Lands Tribunal Rules 1996<sup>(2)</sup> have effect as if they were Tribunal Procedure Rules.

#### Commencement Information

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

### Consequential and transitional provisions **U.K.**

**5.—(1)** Schedules 1 to 3 contain amendments to legislation as a consequence of the transfers effected by this Order, by the Transfer of Tribunal Functions Order 2008<sup>(3)</sup> and by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009<sup>(4)</sup>.

(2) Schedule 1 contains amendments to primary legislation.

[<sup>F1</sup>(3) Schedule 2 contains amendments to secondary legislation.]

(4) Schedule 3 contains amendments to Church of England measures.

(5) Schedule 4 contains repeals and revocations as a consequence of the amendments in Schedules 1 and 2.

(6) Schedule 5 contains transitional and saving provisions.

**F1** Art. 5(3) revoked in part (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), [reg. 1\(2\)](#), [Sch. 7 Pts. 1, 2](#) (with [reg. 125](#))

(2) [1996/1022](#).

(3) [S.I. 2008/2833](#).

(4) [S.I. 2009/56](#).

**Commencement Information**

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

**Amendment of local and private Acts, and of Transport and Works Act Orders** **U.K.**

**6.**—(1) Any reference to the Lands Tribunal in a local or private Act is to be read as a reference to the Upper Tribunal.

(2) Any reference to the Lands Tribunal in an order made under section 1 or 3 of the Transport and Works Act 1992<sup>(5)</sup> is to be read as a reference to the Upper Tribunal.

(3) In paragraphs (1) and (2), a reference to the Lands Tribunal does not include a reference to the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland.

**Commencement Information**

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

By the authority of the Lord Chancellor

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

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(5) 1992 c. 42.

SCHEDULE 1 **U.K.**

Article 5(1) and (2)

## Consequential amendments to primary legislation

**Railways Clauses Consolidation Act 1845** **U.K.**

1. The Railways Clauses Consolidation Act 1845(6) is amended as follows.

**Commencement Information**

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

2. In section 6 (the construction of the railway to be subject to the provisions of this Act and the Lands Clauses Consolidation Act) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

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

3. In section 78 (mines lying near the railway not to be worked if the company are willing to make compensation for them) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I9** Sch. 1 para. 3 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

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

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

**I9** Sch. 1 para. 3 in force at 1.6.2009, see [art. 1](#)

**Improvement of Land Act 1864** **U.K.**

4. In section 73 of the Improvement of Land Act 1864(7) (power to enter on neighbouring lands for repair of works, making compensation) for “the Lands Tribunal or the Lands Tribunal for Scotland” substitute “the Upper Tribunal”.

**Commencement Information**

**I10** Sch. 1 para. 4 in force at 1.6.2009, see [art. 1](#)

(6) [1845 c.20](#). Sections 6 and 78 were amended by section 39(3) of and Schedule 7 to the [Compulsory Purchase Act 1965 \(c.56\)](#).  
 (7) [1864 c.114](#). Section 73 was amended by section 1 of, and Part 13 of Schedule 1 and paragraph 15 of Schedule 2 to, the [Statute Law \(Repeals\) Act 1993 \(c.50\)](#), and was repealed in relation to Scotland by section 76(2) and Part 1 of Schedule 13 to the [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#).

## Law of Property Act 1925 **U.K.**

5. In section 84 of the Law of Property Act 1925(8) (power to discharge or modify restrictive covenants affecting land)—

- (a) in subsections (1), (1A), (1B), (1C), (3), (6) and (9) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
- (b) in subsection (3A)—
  - (i) for “Lands Tribunal”, in each place except in the reference to the Lands Tribunal Act 1949, substitute “Upper Tribunal”;
  - (ii) for “rules under the Lands Tribunal Act 1949” substitute “Tribunal Procedure Rules”; and
  - (iii) omit “or by means of a case stated by the Lands Tribunal.”.

### Commencement Information

**I11** Sch. 1 para. 5 in force at 1.6.2009, see [art. 1](#)

## Requisitioned Land and War Works Act 1945 **U.K.**

6. The Requisitioned Land and War Works Act 1945(9) is amended as follows.

### Commencement Information

**I12** Sch. 1 para. 6 in force at 1.6.2009, see [art. 1](#)

7. In section 47 (compensation under section 2 of Compensation (Defence) Act 1939 for removal of fixed machinery or plant) for “General Claims Tribunal” substitute “appropriate tribunal”.

### Commencement Information

**I13** Sch. 1 para. 7 in force at 1.6.2009, see [art. 1](#)

8. In section 48(1) (successive works to be dealt with as one) for “General Claims Tribunal” substitute “appropriate tribunal”.

### Commencement Information

**I14** Sch. 1 para. 8 in force at 1.6.2009, see [art. 1](#)

9. In section 59(1) (interpretation etc.) insert in the appropriate place—

““the appropriate tribunal” means—

- (a) in the application of this Act to England and Wales, the Upper Tribunal;
- (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;

(8) 1925 c.20. Section 84 was amended by section 28(1) of and Schedule 3 to the [Law of Property Act 1969 \(c.59\)](#) and sections 133 and 135 of and paragraph 2(5) of Schedule 11 and Schedule 13 to the [Land Registration Act 2002 \(c.9\)](#).

(9) 1945 c.43. The General Claims Tribunal was abolished and its jurisdiction transferred to the Lands Tribunal by section 22 of the [Lands Powers \(Defence\) Act 1958 \(c.30\)](#).

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

- (c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland;”.

#### Commencement Information

**I15** Sch. 1 para. 9 in force at 1.6.2009, see [art. 1](#)

#### Commencement Information

**I12** Sch. 1 para. 6 in force at 1.6.2009, see [art. 1](#)

**I13** Sch. 1 para. 7 in force at 1.6.2009, see [art. 1](#)

**I14** Sch. 1 para. 8 in force at 1.6.2009, see [art. 1](#)

**I15** Sch. 1 para. 9 in force at 1.6.2009, see [art. 1](#)

### Lands Tribunal Act 1949 U.K.

**10.** The Lands Tribunal Act 1949(10) is amended as follows.

#### Commencement Information

**I16** Sch. 1 para. 10 in force at 1.6.2009, see [art. 1](#)

- 11.** In section 1 (establishment and jurisdiction of Lands Tribunal)—
- (a) for the heading substitute “Establishment of the Lands Tribunal for Scotland and jurisdiction”;
  - (b) in subsection (1) for the words from “the following tribunals, namely” to the end substitute “a tribunal for Scotland, to be called “the Lands Tribunal for Scotland”.”;
  - (c) omit subsection (2);
  - (d) in subsection (3)—
    - (i) for “Lands Tribunal” substitute “Upper Tribunal or the Lands Tribunal for Scotland”; and
    - (ii) in paragraph (c) after “Lands Clauses Consolidation Act 1845” insert “or section 109 of the Lands Clauses Consolidation (Scotland) Act 1845”;
  - (e) in subsections (4) and (5) for “Lands Tribunal”, in each place, substitute “Upper Tribunal or the Lands Tribunal for Scotland”;
  - (f) in subsection (6) for “as hereinafter mentioned from the members of the Lands Tribunal” substitute “by the Senior President of Tribunals from members of the Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors”;
  - (g) after subsection (6) insert—

(10) 1949 c. 42. Section 2 was amended by section 50(1) of the [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c.35\)](#); section 36 of and Schedule 4 to the [Judicial Pensions Act 1981 \(c.20\)](#); section 71(2) of and paragraph 7 of Schedule 10 to the [Courts and Legal Services Act 1990 \(c.41\)](#); section 26 of and paragraph 31 of Schedule 6 to the [Judicial Pensions and Retirement Act 1993 \(c.8\)](#); section 125 of and paragraph 9 of Schedule 8 to the [Scotland Act 1998 \(c.46\)](#); sections 15(1), 59(5) and 146 of and paragraph 34 of Schedule 4, paragraph 5 of Schedule 11 and Part 2 of Schedule 18 to the [Constitutional Reform Act 2005 \(c.4\)](#); and section 50 of and paragraph 5 of Schedule 10 to the [Tribunals, Courts and Enforcement Act 2007 \(c.15\)](#). Section 3 was amended by section 50(2) of the [Conveyancing and Feudal Reform \(Scotland\) Act 1970 \(c.35\)](#), and by section 18(1) of and Schedule 3 to the [Tribunals and Inquiries Act 1992 \(c.53\)](#) and subsection 6C was inserted by section 193 and paragraph 3 of Schedule 33 to the [Local Government, Planning and Land Act 1980 \(c.65\)](#).

“(6A) Where any person is or may be liable for any compensation falling to be determined under section 57 or 97 of the Lands Clauses Consolidation (Scotland) Act 1845 (which sections relate to the procedure in default of a claimant), the surveyor referred to in those sections shall be selected from members of the Lands Tribunal for Scotland in accordance with the following provisions of this Act.”; and

- (h) omit subsection (8).

#### Commencement Information

I17 Sch. 1 para. 11 in force at 1.6.2009, see [art. 1](#)

#### 12. In section 2 (members, officers and expenses of Lands Tribunal)—

- (a) in the heading after “Lands Tribunal” insert “for Scotland”;
- (b) in subsection (1)—
- (i) after “Lands Tribunal” insert “for Scotland”; and
  - (ii) for “Lord Chancellor” in each place substitute “Scottish Ministers”;
- (c) for subsection (2) substitute—
- “(2) The President shall be a person appearing to the Lord President of the Court of Session to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor.
- (2A) Of the other members of the Lands Tribunal for Scotland—
- (a) such number as the Lord President of the Court of Session may determine shall be persons appearing to the Lord President of the Court of Session to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor; and
  - (b) the others shall be persons who have had experience in the valuation of land, appointed after consultation with the chairman of the Scottish Branch of the Royal Institution of Chartered Surveyors.”;
- (d) in subsection (3)—
- (i) for “Lord Chief Justice of England and Wales may, after consulting the Lord Chancellor,” substitute “Scottish Ministers may”; and
  - (ii) after “Lands Tribunal” insert “for Scotland”;
- (e) in subsection (4)—
- (i) after “Lands Tribunal” insert “for Scotland”;
  - (ii) for “Lord Chancellor and the Lord Chief Justice of England and Wales”, in each place, substitute “Scottish Ministers”; and
  - (iii) for “he thinks” substitute “they think”;
- (f) in subsection (5)—
- (i) after “Lands Tribunal” in each place insert “for Scotland”; and
  - (ii) for “Lord Chancellor” substitute “Scottish Ministers”;
- (g) in subsection (6)—
- (i) after “Lands Tribunal” insert “for Scotland”; and
  - (ii) for “Lord Chancellor” substitute “Secretary of State”;
- (h) in subsection (7)—

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

- (i) for “Lord Chancellor” substitute “Scottish Ministers”;
- (ii) after “Lands Tribunal” insert “for Scotland; and
- (iii) for “as he may” substitute “as they may”; and
- (i) omit subsections (8), (9) and (11).

#### Commencement Information

**I18** Sch. 1 para. 12 in force at 1.6.2009, see [art. 1](#)

#### 13. In section 3 (procedure, appeals, costs and fees)—

- (a) in the heading after “fees” insert “in the Lands Tribunal for Scotland”;
- (b) in subsections (1), (2), (5), (6) and (10) after “Lands Tribunal”, in each place, insert “for Scotland”;
- (c) omit subsections (4), (8), (11) and (12)(a) and (b);
- (d) for subsection (6)(c) substitute—
  - “(c) make provision—
    - (i) requiring persons to attend to give evidence and produce documents;
    - (ii) authorising the administration of oaths to witnesses;
    - (iii) granting to any person such recovery of documents as might be granted by the Court of Sessions.”; and
- (e) in subsection (6C) for “determine” substitute “determines”.

#### Commencement Information

**I19** Sch. 1 para. 13 in force at 1.6.2009, see [art. 1](#)

#### 14. In section 4 (power to add to jurisdiction of Lands Tribunal)—

- (a) in the title, for “Lands Tribunal” substitute “Upper Tribunal or Lands Tribunal for Scotland”;
- (b) in subsection (1)—
  - (i) in the opening words, for “Lands Tribunal” substitute “Upper Tribunal or the Lands Tribunal for Scotland (“the transferee Tribunal”); and
  - (ii) in paragraphs (a) and (b) for “Lands Tribunal” substitute “transferee Tribunal”;
- (c) after subsection (2) insert—
 

“(2A) An Order in Council under this section may authorise the transfer to the Upper Tribunal of the jurisdiction of any statutory tribunal exercisable in Northern Ireland unless it appears to Her Majesty that the jurisdiction relates exclusively to matters with respect to which the Northern Ireland Assembly has power to make laws.”;
- (d) in subsection (4)—
  - (i) in paragraphs (a) and (c) for “Lands Tribunal” substitute “transferee Tribunal”; and
  - (ii) in paragraph (b) before “making special provision” insert “in relation to the Lands Tribunal for Scotland.”;
- (e) after subsection (4) insert—



- “(4A) The supplementary and consequential provisions authorised by subsection (3) to be contained in an Order in Council under this section by virtue of subsection (2A) shall include provisions for the application and adaptation of Northern Ireland legislation.”; and
- (f) in subsection (5) after “Lands Tribunal” insert “for Scotland”.

**Commencement Information**

**I20** Sch. 1 para. 14 in force at 1.6.2009, see [art. 1](#)

- 15.** In section 6(1) (compensation for loss of office) for “Lands Tribunal” substitute “Upper Tribunal or the Lands Tribunal for Scotland”.

**Commencement Information**

**I21** Sch. 1 para. 15 in force at 1.6.2009, see [art. 1](#)

- 16.** In section 7(1) and (2) (savings, etc.) for “Lands Tribunal”, in each place, substitute “Upper Tribunal or the Lands Tribunal for Scotland”.

**Commencement Information**

**I22** Sch. 1 para. 16 in force at 1.6.2009, see [art. 1](#)

- 17.** For section 9(1) to (3) (application to Northern Ireland) substitute—  
“Except as mentioned in section 4, this Act does not affect the law of Northern Ireland.”.

**Commencement Information**

**I23** Sch. 1 para. 17 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I16** Sch. 1 para. 10 in force at 1.6.2009, see [art. 1](#)  
**I17** Sch. 1 para. 11 in force at 1.6.2009, see [art. 1](#)  
**I18** Sch. 1 para. 12 in force at 1.6.2009, see [art. 1](#)  
**I19** Sch. 1 para. 13 in force at 1.6.2009, see [art. 1](#)  
**I20** Sch. 1 para. 14 in force at 1.6.2009, see [art. 1](#)  
**I21** Sch. 1 para. 15 in force at 1.6.2009, see [art. 1](#)  
**I22** Sch. 1 para. 16 in force at 1.6.2009, see [art. 1](#)  
**I23** Sch. 1 para. 17 in force at 1.6.2009, see [art. 1](#)

**Coast Protection Act 1949** **U.K.**

- 18.** In section 24 of the Coast Protection Act 1949(11) (provisions as to arbitrations)—
- (a) in subsection (1) for “Lands Tribunal” substitute “appropriate tribunal”; and
- (b) for subsection (4) substitute—

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(11) 1949 c.74.

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

- “(4) In subsection (1) “the appropriate tribunal” means—
- (a) in the application of this Act to England and Wales, the Upper Tribunal;
  - (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland.”.

**Commencement Information**

**I24** Sch. 1 para. 18 in force at 1.6.2009, see [art. 1](#)

**National Parks and Access to the Countryside Act 1949** **U.K.**

**19.** In section 107 of the National Parks and Access to the Countryside Act 1949<sup>(12)</sup> (supplementary provisions as to compensation under sections 20, 46, and 70)—

- (a) in subsections (2) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (6)(a) for “Lands Tribunal”, in the first place where it occurs, substitute “Upper Tribunal”.

**Commencement Information**

**I25** Sch. 1 para. 19 in force at 1.6.2009, see [art. 1](#)

**Landlord and Tenant Act 1954** **U.K.**

**20.** In section 37(5) and (5D)(c) of the Landlord and Tenant Act 1954<sup>(13)</sup> (compensation where order for new tenancy precluded on certain grounds) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I26** Sch. 1 para. 20 in force at 1.6.2009, see [art. 1](#)

**Underground Works (London) Act 1956** **U.K.**

**21.** The Underground Works (London) Act 1956<sup>(14)</sup> is amended as follows.

**Commencement Information**

**I27** Sch. 1 para. 21 in force at 1.6.2009, see [art. 1](#)

**22.** In section 3(1)(b) (roads and streets) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I28** Sch. 1 para. 22 in force at 1.6.2009, see [art. 1](#)

<sup>(12)</sup> 1949 c.97.

<sup>(13)</sup> 1954 c.56. Section 37(5D) was inserted by section 149 of and Schedule 7 to the [Local Government and Housing Act 1989](#) (c.42).

<sup>(14)</sup> 1956 c.59.

23. In section 4(4) (drains and water-pipes) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I29** Sch. 1 para. 23 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I27** Sch. 1 para. 21 in force at 1.6.2009, see [art. 1](#)

**I28** Sch. 1 para. 22 in force at 1.6.2009, see [art. 1](#)

**I29** Sch. 1 para. 23 in force at 1.6.2009, see [art. 1](#)

**Land Powers (Defence) Act 1958** **U.K.**

24. The Land Powers (Defence) Act 1958(15) is amended as follows.

**Commencement Information**

**I30** Sch. 1 para. 24 in force at 1.6.2009, see [art. 1](#)

25. In section 10(5) (prevention of obstruction of airfields) for “Lands Tribunal” substitute “appropriate tribunal”.

**Commencement Information**

**I31** Sch. 1 para. 25 in force at 1.6.2009, see [art. 1](#)

26. In section 18(5) (compensation in respect of wayleave orders and restrictions under section 16) for “Lands Tribunal” substitute “appropriate tribunal”.

**Commencement Information**

**I32** Sch. 1 para. 26 in force at 1.6.2009, see [art. 1](#)

27. Omit section 22 (abolition and transfer of jurisdiction of General Claims Tribunal).

**Commencement Information**

**I33** Sch. 1 para. 27 in force at 1.6.2009, see [art. 1](#)

28. In section 25 (interpretation – general and in relation to Scotland and Northern Ireland)—

(a) in subsection (1) insert in the appropriate place—

““the appropriate tribunal” means—

(a) in the application of this Act to England and Wales, the Upper Tribunal;

(b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;

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

- (c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland;”;
- (b) omit subsection (2)(c); and
- (c) omit subsection (3)(a).

**Commencement Information**

**I34** Sch. 1 para. 28 in force at 1.6.2009, see [art. 1](#)

**29.** In paragraph 3 of Schedule 4 (supplementary provisions as to exercise of certain powers) for “Lands Tribunal” substitute “appropriate tribunal”.

**Commencement Information**

**I35** Sch. 1 para. 29 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

- I30** Sch. 1 para. 24 in force at 1.6.2009, see [art. 1](#)
- I31** Sch. 1 para. 25 in force at 1.6.2009, see [art. 1](#)
- I32** Sch. 1 para. 26 in force at 1.6.2009, see [art. 1](#)
- I33** Sch. 1 para. 27 in force at 1.6.2009, see [art. 1](#)
- I34** Sch. 1 para. 28 in force at 1.6.2009, see [art. 1](#)
- I35** Sch. 1 para. 29 in force at 1.6.2009, see [art. 1](#)

**Public Records Act 1958** **U.K.**

**30.** In paragraph 4(1) of Schedule 1 to the Public Records Act 1958(16) (definition of public records)—

- (a) after paragraph (j) insert—
  - “(ja) records of the Upper Tribunal;”;
- (b) in paragraph (k) omit “the Lands Tribunal or of”.

**Commencement Information**

**I36** Sch. 1 para. 30 in force at 1.6.2009, see [art. 1](#)

**Opencast Coal Act 1958** **U.K.**

**31.** The Opencast Coal Act 1958(17) is amended as follows.

**Commencement Information**

**I37** Sch. 1 para. 31 in force at 1.6.2009, see [art. 1](#)

(16) 1958 c.51.  
(17) 1958 c.69.

**32.** In section 40(3) (claims for compensation payable by the Board) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

.....  
**Commencement Information**

**I38** Sch. 1 para. 32 in force at 1.6.2009, see [art. 1](#)

**33.** Omit section 52(4) (general application to Scotland).

.....  
**Commencement Information**

**I39** Sch. 1 para. 33 in force at 1.6.2009, see [art. 1](#)

**34.** In paragraph 1 of Schedule 3 (provisions as to compensation by way of payment of cost of works), in the definition of “the Tribunal” for “Lands Tribunal” substitute “Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

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**Commencement Information**

**I40** Sch. 1 para. 34 in force at 1.6.2009, see [art. 1](#)

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**Commencement Information**

**I37** Sch. 1 para. 31 in force at 1.6.2009, see [art. 1](#)

**I38** Sch. 1 para. 32 in force at 1.6.2009, see [art. 1](#)

**I39** Sch. 1 para. 33 in force at 1.6.2009, see [art. 1](#)

**I40** Sch. 1 para. 34 in force at 1.6.2009, see [art. 1](#)

**Rights of Light Act 1959** **U.K.**

**35.** In section 2 of the Rights of Light Act 1959(**18**) (registration of notice in lieu of obstruction of access of light)—

- (a) in subsection (3) for “Lands Tribunal” in each place substitute “Upper Tribunal”; and
- (b) in subsection (5) for “shall be made by rules under section three of the Lands Tribunal Act 1949 for regulating proceedings before the Lands Tribunal” substitute “may be made by Tribunal Procedure Rules”.

.....  
**Commencement Information**

**I41** Sch. 1 para. 35 in force at 1.6.2009, see [art. 1](#)

**Land Compensation Act 1961** **U.K.**

**36.** The Land Compensation Act 1961(**19**) is amended as follows.

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(18) 1959 c.56.

(19) 1961 c.33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the [Local Government, Planning and Land Act 1980](#) (c.65). Section 5A was inserted by section 103 of the [Planning and Compulsory Purchase Act 2004](#) (c.5).

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

**Commencement Information**

**I42** Sch. 1 para. 36 in force at 1.6.2009, see [art. 1](#)

- 37.** In section 1 (tribunal for assessing compensation in respect of land compulsorily acquired)—
- (a) in the heading, for “Tribunal for assessing” substitute “Upper Tribunal to assess”; and
  - (b) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I43** Sch. 1 para. 37 in force at 1.6.2009, see [art. 1](#)

- 38.** Omit sections 2 (procedure on references under section 1) and 3 (consolidation of proceedings on claims).

**Commencement Information**

**I44** Sch. 1 para. 38 in force at 1.6.2009, see [art. 1](#)

- 39.** In section 4 (costs)—
- (a) before subsection (1) insert—
    - “(A1) In any proceedings on a question referred to the Upper Tribunal under section 1 of this Act—
    - (a) the following subsections apply in addition to section 29 of the Tribunals, Courts and Enforcement Act 2007<sup>(20)</sup> (costs or expenses) and provisions in Tribunal Procedure Rules relating to costs; and
    - (b) to the extent that the following subsections conflict with that section or those provisions, that section or those provisions do not apply.”;
  - (b) in subsections (1), (3), (4), and (5) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
  - (c) omit subsection (6).

**Commencement Information**

**I45** Sch. 1 para. 39 in force at 1.6.2009, see [art. 1](#)

- 40.** In section 5 (rules for assessing compensation), in rule (5) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I46** Sch. 1 para. 40 in force at 1.6.2009, see [art. 1](#)

- 41.** In section 5A(7) (relevant valuation date) for “Lands Tribunal” substitute “Upper Tribunal”.

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(20) 2007 c.15.

**Commencement Information**

**I47** Sch. 1 para. 41 in force at 1.6.2009, see [art. 1](#)

**F2** **42.** . . . . .

**F2** Sch. 1 para. 42 revoked (6.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 25 Pt. 34**; S.I. 2012/628, **art. 8(e)** (with [arts. 9, 12, 13, 16, 18-20](#))

**Commencement Information**

**I48** Sch. 1 para. 42 in force at 1.6.2009, see [art. 1](#)

**43.** In section 31(2), (3), (4) and (6) (withdrawal of notices to treat) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I49** Sch. 1 para. 43 in force at 1.6.2009, see [art. 1](#)

**44.** In section 35 (certificates of value) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I50** Sch. 1 para. 44 in force at 1.6.2009, see [art. 1](#)

**Public Health Act 1961** **U.K.**

**45.** In section 45(6) of the Public Health Act 1961(**21**) (attachment of street lamps to buildings) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I51** Sch. 1 para. 45 in force at 1.6.2009, see [art. 1](#)

**London County Council (General Powers) Act 1962** **U.K.**

**46.** In section 24(2)(b) of the London County Council (General Powers) Act 1962(**22**) (as to payments by borough councils, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I52** Sch. 1 para. 46 in force at 1.6.2009, see [art. 1](#)

(21) 1961 c.64.  
(22) 1962 c.xlv.

**Pipe-lines Act 1962** **U.K.**

47. The Pipe-lines Act 1962(23) is amended as follows.

**Commencement Information**

**I53** Sch. 1 para. 47 in force at 1.6.2009, see [art. 1](#)

48. In section 48 (determination by Lands Tribunal of questions as to compensation)—
- (a) in the heading for “Lands Tribunal” substitute “tribunal”; and
  - (b) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

**Commencement Information**

**I54** Sch. 1 para. 48 in force at 1.6.2009, see [art. 1](#)

49. Omit section 67(5) (general application to Scotland).

**Commencement Information**

**I55** Sch. 1 para. 49 in force at 1.6.2009, see [art. 1](#)

50. In paragraph 4(3) of Schedule 2 (applications for grant of compulsory purchase orders) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

**Commencement Information**

**I56** Sch. 1 para. 50 in force at 1.6.2009, see [art. 1](#)

51. In paragraph 3 of Schedule 3 (provisions for rendering compulsory purchase orders effectual, etc.) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

**Commencement Information**

**I57** Sch. 1 para. 51 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I53** Sch. 1 para. 47 in force at 1.6.2009, see [art. 1](#)

**I54** Sch. 1 para. 48 in force at 1.6.2009, see [art. 1](#)

**I55** Sch. 1 para. 49 in force at 1.6.2009, see [art. 1](#)

**I56** Sch. 1 para. 50 in force at 1.6.2009, see [art. 1](#)

(23) 1962 c.58. Section 67(5) was amended by section 1(1) of and Part 13 of Schedule 1 to the [Statute Law \(Repeals\) Act 1986 \(c.12\)](#). Paragraph 4 of Schedule 2 was amended by article 2 of and paragraph 4(4)(b) of the Schedule to the [Planning and Compulsory Purchase Act 2004 \(Corresponding Amendments\) Order 2007 \(S.I. 2007/1519\)](#).



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

## London County Council (General Powers) Act 1963 **U.K.**

**52.** In section 9(8) of the London County Council (General Powers) Act 1963<sup>(24)</sup> (underpinning of houses near a street improvement) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

**158** Sch. 1 para. 52 in force at 1.6.2009, see [art. 1](#)

## Gas Act 1965 **U.K.**

**53.** The Gas Act 1965<sup>(25)</sup> is amended as follows.

### Commencement Information

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

**54.** In section 10(3) and (4) (exclusion of double compensation), in each place, for “Lands Tribunal” substitute “appropriate tribunal”.

### Commencement Information

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

**55.** In section 23 (assessment of compensation)—

- (a) in subsections (1), (2) and (4) for “Lands Tribunal” substitute “appropriate tribunal”;
- (b) in subsection (2) for “sections 2 and 4” substitute “section 4”; and
- (c) in subsection (4) for “the Tribunal” substitute “the tribunal”.

### Commencement Information

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

**56.** In section 28 (interpretation of Part 2)—

- (a) in subsection (1), insert in the appropriate place—
  - ““the appropriate tribunal” means—
  - (a) in relation to England and Wales, the Upper Tribunal;
  - (b) in relation to Scotland, the Lands Tribunal for Scotland;”;
- (b) omit subsection (4).

<sup>(24)</sup> 1963 c.xvii. Section 9(8) was amended by article 3 of and paragraph 106 of Schedule 1 to the Local Law (Greater London Council and Inner London Boroughs) Order 1965 (S.I. 1965/540).

<sup>(25)</sup> 1965 c.36.

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

**Commencement Information**

**I62** Sch. 1 para. 56 in force at 1.6.2009, see [art. 1](#)

**57.** In paragraphs 8(3) and 12(4) of Part 2 of Schedule 2 (storage authorisation orders) for “Lands Tribunal” substitute “appropriate tribunal”.

**Commencement Information**

**I63** Sch. 1 para. 57 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I59** Sch. 1 para. 53 in force at 1.6.2009, see [art. 1](#)

**I60** Sch. 1 para. 54 in force at 1.6.2009, see [art. 1](#)

**I61** Sch. 1 para. 55 in force at 1.6.2009, see [art. 1](#)

**I62** Sch. 1 para. 56 in force at 1.6.2009, see [art. 1](#)

**I63** Sch. 1 para. 57 in force at 1.6.2009, see [art. 1](#)

**City of London (Various Powers) Act 1965** **U.K.**

**58.** In section 6(9) of the City of London (Various Powers) Act 1965<sup>(26)</sup> (underpinning of houses near a street improvement) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I64** Sch. 1 para. 58 in force at 1.6.2009, see [art. 1](#)

**Compulsory Purchase Act 1965** **U.K.**

**59.** The Compulsory Purchase Act 1965<sup>(27)</sup> is amended as follows.

**Commencement Information**

**I65** Sch. 1 para. 59 in force at 1.6.2009, see [art. 1](#)

**60.** In section 5(2A)(d) and (2D) (notice to treat and untraced owners) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I66** Sch. 1 para. 60 in force at 1.6.2009, see [art. 1](#)

**61.** In section 6 (reference to Lands Tribunal) for “Lands Tribunal”, in each place (including the heading), substitute “Upper Tribunal”.

<sup>(26)</sup> 1965 c.xxxix.

<sup>(27)</sup> 1965 c.56. Section 5(2A) to (2E) was inserted by section 67 of the [Planning and Compensation Act 1991](#) (c.34).

**Commencement Information**

**I67** Sch. 1 para. 61 in force at 1.6.2009, see [art. 1](#)

- 62.** In section 8 (other provisions as to divided land)—
- (a) in subsection (1) for “so determine” substitute “so determines”;
  - (b) in subsections (1) and (3) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
  - (c) in subsection (3) for “their determination” substitute “its determination”.

**Commencement Information**

**I68** Sch. 1 para. 62 in force at 1.6.2009, see [art. 1](#)

- 63.** In section 10(1) (further provision as to compensation for injurious affection) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I69** Sch. 1 para. 63 in force at 1.6.2009, see [art. 1](#)

- 64.** In section 11(3) (powers of entry) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I70** Sch. 1 para. 64 in force at 1.6.2009, see [art. 1](#)

- 65.** In section 15(1) (mortgage debt exceeding value of mortgaged land) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I71** Sch. 1 para. 65 in force at 1.6.2009, see [art. 1](#)

- 66.** In section 16(1) (acquisition of part of land subject to mortgage) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I72** Sch. 1 para. 66 in force at 1.6.2009, see [art. 1](#)

- 67.** In section 17(2) (compensation where mortgage paid off before stipulated time) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I73** Sch. 1 para. 67 in force at 1.6.2009, see [art. 1](#)

- 68.** In section 18(1) and (2)(b) (rentcharges) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I74** Sch. 1 para. 68 in force at 1.6.2009, see [art. 1](#)

**69.** In section 19(2) (apportionment of rent under leases) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I75** Sch. 1 para. 69 in force at 1.6.2009, see [art. 1](#)

**70.** In section 20(3) (tenants at will etc) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I76** Sch. 1 para. 70 in force at 1.6.2009, see [art. 1](#)

**71.** In paragraph 4(4) of Schedule 1 (valuation on purchase by agreement) for “by, or by a member of, the Lands Tribunal” substitute “by the Upper Tribunal”.

**Commencement Information**

**I77** Sch. 1 para. 71 in force at 1.6.2009, see [art. 1](#)

**72.** In Schedule 2 (absent and untraced owners)—

- (a) in paragraph 1(1)(b) for “Lands Tribunal in accordance with section 3 of the Lands Tribunal Act 1949” substitute “Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors”; and
- (b) in paragraph 4—
  - (i) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”;
  - (ii) in sub-paragraph (2) for “award a” substitute “awards a”;
  - (iii) in sub-paragraph (3) for “determine”, in both places, substitute “determines”; and
  - (iv) in sub-paragraph (3) for “section 3(5) of the Lands Tribunal Act 1949” substitute “section 29 of the Tribunals, Courts and Enforcement Act 2007”.

**Commencement Information**

**I78** Sch. 1 para. 72 in force at 1.6.2009, see [art. 1](#)

**73.** In Schedule 4 (common land)—

- (a) in paragraph 5(4) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 6 for “Lands Tribunal in accordance with section 3 of the Lands Tribunal Act 1949” substitute “Upper Tribunal who are members or fellows of the Royal Institution of Chartered Surveyors”.

**Commencement Information**

**I79** Sch. 1 para. 73 in force at 1.6.2009, see [art. 1](#)

**74.** In Schedule 7 (consequential amendments of references to enactments), in the entry relating to the Railways Clauses Consolidation Act 1845, for “Lands Tribunal”, in both places, substitute “Upper Tribunal”.

**Commencement Information**

**I80** Sch. 1 para. 74 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

- I65** Sch. 1 para. 59 in force at 1.6.2009, see [art. 1](#)
- I66** Sch. 1 para. 60 in force at 1.6.2009, see [art. 1](#)
- I67** Sch. 1 para. 61 in force at 1.6.2009, see [art. 1](#)
- I68** Sch. 1 para. 62 in force at 1.6.2009, see [art. 1](#)
- I69** Sch. 1 para. 63 in force at 1.6.2009, see [art. 1](#)
- I70** Sch. 1 para. 64 in force at 1.6.2009, see [art. 1](#)
- I71** Sch. 1 para. 65 in force at 1.6.2009, see [art. 1](#)
- I72** Sch. 1 para. 66 in force at 1.6.2009, see [art. 1](#)
- I73** Sch. 1 para. 67 in force at 1.6.2009, see [art. 1](#)
- I74** Sch. 1 para. 68 in force at 1.6.2009, see [art. 1](#)
- I75** Sch. 1 para. 69 in force at 1.6.2009, see [art. 1](#)
- I76** Sch. 1 para. 70 in force at 1.6.2009, see [art. 1](#)
- I77** Sch. 1 para. 71 in force at 1.6.2009, see [art. 1](#)
- I78** Sch. 1 para. 72 in force at 1.6.2009, see [art. 1](#)
- I79** Sch. 1 para. 73 in force at 1.6.2009, see [art. 1](#)
- I80** Sch. 1 para. 74 in force at 1.6.2009, see [art. 1](#)

**Forestry Act 1967** **U.K.**

**75.** The Forestry Act 1967(28) is amended as follows.

**Commencement Information**

**I81** Sch. 1 para. 75 in force at 1.6.2009, see [art. 1](#)

**76.** In section 5(2)(b) (forestry dedication covenants and agreements) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I82** Sch. 1 para. 76 in force at 1.6.2009, see [art. 1](#)

**77.** In section 31(1)(a) (determination of matters arising under sections 11, 14, 21 and 22) for “Lands Tribunal” substitute “Upper Tribunal”.

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(28) 1967 c.10.

**Commencement Information****I83** Sch. 1 para. 77 in force at 1.6.2009, see [art. 1](#)**Commencement Information****I81** Sch. 1 para. 75 in force at 1.6.2009, see [art. 1](#)**I82** Sch. 1 para. 76 in force at 1.6.2009, see [art. 1](#)**I83** Sch. 1 para. 77 in force at 1.6.2009, see [art. 1](#)**Agriculture Act 1967** **U.K.**

**78.**—(1) Section 49 of the Agriculture Act 1967(**29**) (control of sale of certain land) is amended as follows.

(2) In subsection (8)—

- (a) in paragraph (a) for “Lands Tribunal” substitute “appropriate tribunal”; and
- (b) for the words from “For the purposes of this subsection” to “has not expired.” substitute—
  - “For the purposes of paragraph (a) “appropriate tribunal” means—
  - (i) in relation to England and Wales, the Upper Tribunal;
  - (ii) in relation to Scotland, the Lands Tribunal for Scotland.”.

(3) After subsection (8) insert—

“(8A) For the purposes of subsection (8)(a) a claim shall not be deemed to be fully determined so long as—

- (a) in relation to a decision of the Upper Tribunal, the time for applying for permission to appeal to the Court of Appeal, or for applying for permission to appeal from the decision of the Court of Appeal on such an appeal, has not expired; or
- (b) in relation to a decision of the Lands Tribunal for Scotland, the time for requiring the 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.”.

(4) Omit subsection (12).

**Commencement Information****I84** Sch. 1 para. 78 in force at 1.6.2009, see [art. 1](#)**City of London (Various Powers) Act 1967** **U.K.**

**79.** The City of London (Various Powers) Act 1967(**30**) is amended as follows.

**Commencement Information****I85** Sch. 1 para. 79 in force at 1.6.2009, see [art. 1](#)

**80.** In section 16(7) and (8) (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

(29) 1967 c.22.

(30) 1967 c.xlii.

**Commencement Information**

**I86** Sch. 1 para. 80 in force at 1.6.2009, see [art. 1](#)

**81.** In section 17(3) (acquisition of land, or rights in land, for city walkways) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I87** Sch. 1 para. 81 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I85** Sch. 1 para. 79 in force at 1.6.2009, see [art. 1](#)

**I86** Sch. 1 para. 80 in force at 1.6.2009, see [art. 1](#)

**I87** Sch. 1 para. 81 in force at 1.6.2009, see [art. 1](#)

**Leasehold Reform Act 1967** **U.K.**

**82.** The Leasehold Reform Act 1967(**31**) is amended as follows.

**Commencement Information**

**I88** Sch. 1 para. 82 in force at 1.6.2009, see [art. 1](#)

**83.** In section 20(4)(b) and (4A) (jurisdiction and special powers of County Court) for “Lands Tribunal” in each place substitute “Upper Tribunal”.

**Commencement Information**

**I89** Sch. 1 para. 83 in force at 1.6.2009, see [art. 1](#)

**84.** In section 21 (jurisdiction of Lands Tribunal) in the heading for “Lands Tribunal” substitute “leasehold valuation tribunals”.

**Commencement Information**

**I90** Sch. 1 para. 84 in force at 1.6.2009, see [art. 1](#)

**85.** In section 31(2)(a) (ecclesiastical property) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I91** Sch. 1 para. 85 in force at 1.6.2009, see [art. 1](#)

(31) [1967 c.88](#). Section 20(4A) was inserted by section 176 of and paragraphs 1 and 4 to Schedule 13 to the [Commonhold and Leasehold Reform Act 2002 \(c.15\)](#). Paragraph 8(1A) of Schedule 2 was inserted by section 176 of and paragraphs 1 and 7 to Schedule 13 to the [Commonhold and Leasehold Reform Act 2002 \(c.15\)](#).

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

**86.** In paragraph 8(1)(b) and (1A) of Schedule 2 (provisions supplementary to sections 17 and 18) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

**Commencement Information**

**I92** Sch. 1 para. 86 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I88** Sch. 1 para. 82 in force at 1.6.2009, see [art. 1](#)

**I89** Sch. 1 para. 83 in force at 1.6.2009, see [art. 1](#)

**I90** Sch. 1 para. 84 in force at 1.6.2009, see [art. 1](#)

**I91** Sch. 1 para. 85 in force at 1.6.2009, see [art. 1](#)

**I92** Sch. 1 para. 86 in force at 1.6.2009, see [art. 1](#)

**Port of London Act 1968** **U.K.**

**87.** The Port of London Act 1968(32) is amended as follows.

**Commencement Information**

**I93** Sch. 1 para. 87 in force at 1.6.2009, see [art. 1](#)

**88.** In section 75(6)(b) (lands above mean high water level) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I94** Sch. 1 para. 88 in force at 1.6.2009, see [art. 1](#)

**89.** In section 90(3) (entry on land to survey, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I95** Sch. 1 para. 89 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I93** Sch. 1 para. 87 in force at 1.6.2009, see [art. 1](#)

**I94** Sch. 1 para. 88 in force at 1.6.2009, see [art. 1](#)

**I95** Sch. 1 para. 89 in force at 1.6.2009, see [art. 1](#)



## Transport Act 1968 **U.K.**

**90.** In section 115(1)(b) of the Transport Act 1968(**33**) (interpretation of Part 7) for “Lands Tribunal”, in the first place it occurs, substitute “Upper”.

### Commencement Information

**I96** Sch. 1 para. 90 in force at 1.6.2009, see [art. 1](#)

## Greater London Council (General Powers) Act 1969 **U.K.**

**91.** The Greater London Council (General Powers) Act 1969(**34**) is amended as follows.

### Commencement Information

**I97** Sch. 1 para. 91 in force at 1.6.2009, see [art. 1](#)

**92.** In section 21(7) and (8) (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

**I98** Sch. 1 para. 92 in force at 1.6.2009, see [art. 1](#)

**93.** In section 22(6) (acquisition of land, or rights in land, for walkways) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

**I99** Sch. 1 para. 93 in force at 1.6.2009, see [art. 1](#)

**94.** In section 25(7)(c), (d) and (e) (further provisions as to statutory undertakers) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

**I100** Sch. 1 para. 94 in force at 1.6.2009, see [art. 1](#)

### Commencement Information

**I97** Sch. 1 para. 91 in force at 1.6.2009, see [art. 1](#)

**I98** Sch. 1 para. 92 in force at 1.6.2009, see [art. 1](#)

**I99** Sch. 1 para. 93 in force at 1.6.2009, see [art. 1](#)

**I100** Sch. 1 para. 94 in force at 1.6.2009, see [art. 1](#)

(33) [1968 c.73](#).

(34) [1969 c.lii](#). Section 21(8) was amended by section 11(2) of the Greater London Council (General Powers) Act 1970 and section 25 was substituted by section 10 of that Act.

**Taxes Management Act 1970** **U.K.**

**95.** The Taxes Management Act 1970(35) is amended as follows.

**Commencement Information**

**I101** Sch. 1 para. 95 in force at 1.6.2009, see [art. 1](#)

**96.** In section 46D (questions to be determined by Lands Tribunal)—

- (a) in the heading, for “Lands Tribunal” insert “the relevant tribunal”;
- (b) in subsections (1) and (3) for “relevant Lands Tribunal” substitute “relevant tribunal”; and
- (c) in subsection (3)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I102** Sch. 1 para. 96 in force at 1.6.2009, see [art. 1](#)

**97.** In section 47B(a) (special jurisdiction relating to Business Expansion Scheme) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I103** Sch. 1 para. 97 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I101** Sch. 1 para. 95 in force at 1.6.2009, see [art. 1](#)

**I102** Sch. 1 para. 96 in force at 1.6.2009, see [art. 1](#)

**I103** Sch. 1 para. 97 in force at 1.6.2009, see [art. 1](#)

**Courts Act 1971** **U.K.**

**98.** In Part 1A of Schedule 2 to the Courts Act 1971(36) (certain office-holders eligible for appointment as circuit judges) omit the entry for Member (excluding the President) of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949.

**Commencement Information**

**I104** Sch. 1 para. 98 in force at 1.6.2009, see [art. 1](#)

**Thames Barrier and Flood Prevention Act 1972** **U.K.**

**99.** In section 3(1) of the Thames Barrier and Flood Prevention Act 1972(37) (interpretation), in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”.

(35) 1970 c.9. Section 46D was substituted by section 136 of and paragraphs 7 and 12 of Schedule 22 to the [Finance Act 1996 \(c.8\)](#), and amended by section 88(1) of and paragraph 29 of Schedule 29 to the [Finance Act 2001 \(c.9\)](#). Section 47B was inserted by section 40 of and paragraph 22 of Schedule 9 to the [Finance Act 1986 \(c.41\)](#).

(36) 1971 c.23. Part 1A of Schedule 2 was inserted by section 71(2) of, and paragraph 31 of Schedule 10 to, the [Courts and Legal Services Act 1990 \(c.41\)](#).

(37) 1972 c.xlv.

**Commencement Information**

**I105** Sch. 1 para. 99 in force at 1.6.2009, see [art. 1](#)

**Criminal Justice Act 1972** **U.K.**

**100.** In section 60(5) of the Criminal Justice Act 1972(**38**) (power of entry in connection with acquisition of land for prisons)—

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

**Commencement Information**

**I106** Sch. 1 para. 100 in force at 1.6.2009, see [art. 1](#)

**Land Compensation Act 1973** **U.K.**

**101.** The Land Compensation Act 1973(**39**) is amended as follows.

**Commencement Information**

**I107** Sch. 1 para. 101 in force at 1.6.2009, see [art. 1](#)

**102.** In section 3(5) (claims) for “Lands Tribunal in respect of the costs of proceedings before the Tribunal by virtue of section 16 below” substitute “Upper Tribunal in respect of the costs of and incidental to proceedings in the Upper Tribunal by virtue of section 29 of the Tribunals, Courts and Enforcement Act 2007”.

**Commencement Information**

**I108** Sch. 1 para. 102 in force at 1.6.2009, see [art. 1](#)

**103.** In section 16(1) (disputes) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I109** Sch. 1 para. 103 in force at 1.6.2009, see [art. 1](#)

**104.** In section 30(3) (amount of home loss payment in England and Wales) for “Lands Tribunal” substitute “Upper Tribunal”.

(38) 1972 c.71.

(39) 1973 c.26. Section 81(1) of, and Part 1 of Schedule 2 to, the [Land Compensation \(Scotland\) Act 1973 \(c.56\)](#) ceased the application of the Act to Scotland, except for section 86 and Schedule 3, and made consequential amendments. Section 30 was substituted by section 68(3) of the [Planning and Compensation Act 1991 \(c.34\)](#). Section 33A was inserted by section 106(1) of the [Planning and Compulsory Purchase Act 2004 \(c.5\)](#), section 33I was inserted by section 109 of that Act and section 52ZC was inserted by section 104 of that Act.

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

**Commencement Information**

**I110** Sch. 1 para. 104 in force at 1.6.2009, see [art. 1](#)

**105.** In section 33A(4)(e) (basic loss payment) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I111** Sch. 1 para. 105 in force at 1.6.2009, see [art. 1](#)

**106.** In section 33I(1) (payment) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I112** Sch. 1 para. 106 in force at 1.6.2009, see [art. 1](#)

**107.** In section 38(4) (amount of disturbance payment) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I113** Sch. 1 para. 107 in force at 1.6.2009, see [art. 1](#)

**108.** In section 52ZC(10)(c) (land subject to mortgage: supplementary) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I114** Sch. 1 para. 108 in force at 1.6.2009, see [art. 1](#)

**109.** In section 54(1), (3) and (6)(b) (effect of counter-notice under section 53) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I115** Sch. 1 para. 109 in force at 1.6.2009, see [art. 1](#)

**110.** In section 56(1) and (3)(d) (effect of counter-notice under section 55) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I116** Sch. 1 para. 110 in force at 1.6.2009, see [art. 1](#)

**111.** In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I117** Sch. 1 para. 111 in force at 1.6.2009, see [art. 1](#)

**112.** In section 61(2) (notice to quit part of agricultural holding: right to claim notice of entry compensation for remainder of holding) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I118** Sch. 1 para. 112 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I107** Sch. 1 para. 101 in force at 1.6.2009, see [art. 1](#)

**I108** Sch. 1 para. 102 in force at 1.6.2009, see [art. 1](#)

**I109** Sch. 1 para. 103 in force at 1.6.2009, see [art. 1](#)

**I110** Sch. 1 para. 104 in force at 1.6.2009, see [art. 1](#)

**I111** Sch. 1 para. 105 in force at 1.6.2009, see [art. 1](#)

**I112** Sch. 1 para. 106 in force at 1.6.2009, see [art. 1](#)

**I113** Sch. 1 para. 107 in force at 1.6.2009, see [art. 1](#)

**I114** Sch. 1 para. 108 in force at 1.6.2009, see [art. 1](#)

**I115** Sch. 1 para. 109 in force at 1.6.2009, see [art. 1](#)

**I116** Sch. 1 para. 110 in force at 1.6.2009, see [art. 1](#)

**I117** Sch. 1 para. 111 in force at 1.6.2009, see [art. 1](#)

**I118** Sch. 1 para. 112 in force at 1.6.2009, see [art. 1](#)

**Reservoirs Act 1975** **U.K.**

**113.** In section 18(2) of the Reservoirs Act 1975(40) (compensation to third parties for damage or disturbance) for “Lands Tribunal or” substitute “Upper Tribunal or”.

**Commencement Information**

**I119** Sch. 1 para. 113 in force at 1.6.2009, see [art. 1](#)

**House of Commons Disqualification Act 1975** **U.K.**

**114.** In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975(41) (bodies of which all members are disqualified) omit the first entry for the Lands Tribunal.

**Commencement Information**

**I120** Sch. 1 para. 114 in force at 1.6.2009, see [art. 1](#)

(40) 1975 c.23.

(41) 1975 c.24.

**Northern Ireland Assembly Disqualification Act 1975** U.K.

**115.** In Part 2 of Schedule 1 of the Northern Ireland Assembly Disqualification Act 1975(42) (bodies of which all members are disqualified) omit the first entry for the Lands Tribunal.

**Commencement Information**

**I121** Sch. 1 para. 115 in force at 1.6.2009, see [art. 1](#)

**Litigants in Person (Costs and Expenses) Act 1975** U.K.

**116.** In section 1(1)(b) and (4)(a) of the Litigants in Person (Costs and Expenses) Act 1975(43) (costs or expenses recoverable) omit “the Lands Tribunal or”.

**Commencement Information**

**I122** Sch. 1 para. 116 in force at 1.6.2009, see [art. 1](#)

**Welsh Development Agency Act 1975** U.K.

**117.** In paragraph 15(4) of Part 4 of Schedule 4 to the Welsh Development Agency Act 1975(44) (rights of entry)—

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

**Commencement Information**

**I123** Sch. 1 para. 117 in force at 1.6.2009, see [art. 1](#)

**Local Government (Miscellaneous Provisions) Act 1976** U.K.

**118.** The Local Government (Miscellaneous Provisions) Act 1976(45) is amended as follows.

**Commencement Information**

**I124** Sch. 1 para. 118 in force at 1.6.2009, see [art. 1](#)

**119.** In section 15(6) (power of local authorities to survey land which they propose to acquire compulsorily)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”;
- (b) for “sections 2(2) to (5) and” substitute “section”;

(42) 1975 c.25.

(43) 1975 c.47. Section 1 was amended by section 40(4) and 59(5) of, paragraph 26 of Schedule 9 to and paragraph 22 of Schedule 11 to the [Constitutional Reform Act 2005](#) (c.4), section 48(1) of and paragraph 6 of Schedule 8 to the [Tribunals, Courts and Enforcement Act 2007](#) (c.15), and article 2(1) and the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678).

(44) 1975 c.70. Schedule 4 was inserted by section 127 of and paragraph 3 of Schedule 13 to the [Government of Wales Act 1998](#) (c.38).

(45) 1976 c.57.

- (c) for “relate to the conduct of certain proceedings before the Tribunal and” substitute “relates to”.

**Commencement Information**

**I125** Sch. 1 para. 119 in force at 1.6.2009, see [art. 1](#)

**120.** In section 24(5) (provisions supplementary to section 23)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”;
- (b) for “sections 2(2) to (5) and” substitute “section”; and
- (c) for “relate to the conduct of certain proceedings before the Tribunal and” substitute “relates to”.

**Commencement Information**

**I126** Sch. 1 para. 120 in force at 1.6.2009, see [art. 1](#)

**121.** In paragraph 7 of Part 2 of Schedule 1 (adaptation of enactments), 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**

**I127** Sch. 1 para. 121 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I124** Sch. 1 para. 118 in force at 1.6.2009, see [art. 1](#)

**I125** Sch. 1 para. 119 in force at 1.6.2009, see [art. 1](#)

**I126** Sch. 1 para. 120 in force at 1.6.2009, see [art. 1](#)

**I127** Sch. 1 para. 121 in force at 1.6.2009, see [art. 1](#)

**Rentcharges Act 1977** **U.K.**

**122.** The Rentcharges Act 1977(46) is amended as follows.

**Commencement Information**

**I128** Sch. 1 para. 122 in force at 1.6.2009, see [art. 1](#)

**123.** In section 6(1) and (2) (appeal) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I129** Sch. 1 para. 123 in force at 1.6.2009, see [art. 1](#)

(46) 1977 c.30.

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

**124.** In section 7(1)(b) (effect of apportionment order) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I130** Sch. 1 para. 124 in force at 1.6.2009, see [art. 1](#)

**125.** In section 13(1) (interpretation), in the definition of “apportionment order” for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I131** Sch. 1 para. 125 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I128** Sch. 1 para. 122 in force at 1.6.2009, see [art. 1](#)

**I129** Sch. 1 para. 123 in force at 1.6.2009, see [art. 1](#)

**I130** Sch. 1 para. 124 in force at 1.6.2009, see [art. 1](#)

**I131** Sch. 1 para. 125 in force at 1.6.2009, see [art. 1](#)

**Ancient Monuments and Archaeological Areas Act 1979** **U.K.**

**126.** The Ancient Monuments and Archaeological Areas Act 1979(47) is amended as follows.

**Commencement Information**

**I132** Sch. 1 para. 126 in force at 1.6.2009, see [art. 1](#)

**127.** In section 8(4) (recovery of compensation on subsequent grant of consent) for “Lands Tribunal or” substitute “Upper Tribunal or”.

**Commencement Information**

**I133** Sch. 1 para. 127 in force at 1.6.2009, see [art. 1](#)

**128.** In section 17(7) (agreement concerning ancient monuments and land in their vicinity) omit “of Lands Tribunal”.

**Commencement Information**

**I134** Sch. 1 para. 128 in force at 1.6.2009, see [art. 1](#)

- 129.** In section 47 (general provisions with respect to claims for compensation)—
- (a) in subsection (2) for “Lands Tribunal or” substitute “Upper Tribunal or”; and
  - (b) in subsection (3) for “sections 2 and” substitute “section”.

(47) 1979 c.46. Section 17(7) was substituted by section 128(1) of, and paragraph 8 of Schedule 14 to, the Tithe Conditions (Scotland) Act 2003 (asp 9).



**Commencement Information**

**I135** Sch. 1 para. 129 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I132** Sch. 1 para. 126 in force at 1.6.2009, see [art. 1](#)

**I133** Sch. 1 para. 127 in force at 1.6.2009, see [art. 1](#)

**I134** Sch. 1 para. 128 in force at 1.6.2009, see [art. 1](#)

**I135** Sch. 1 para. 129 in force at 1.6.2009, see [art. 1](#)

**Local Government, Planning and Land Act 1980** **U.K.**

**130.** The Local Government, Planning and Land Act 1980(**48**) is amended as follows.

**Commencement Information**

**I136** Sch. 1 para. 130 in force at 1.6.2009, see [art. 1](#)

**131.** In section 167 (power to survey land etc.)—

(a) in subsection (9)—

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

(ii) for “sections 2(2) to (5) and” substitute “section”; and

(iii) for “relate to the conduct of certain proceedings before the Tribunal and” substitute “relates to”; and

(b) in subsection (13)—

(i) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”;

(ii) for “for “sections 2(2) to (5) and” substitute “section”; and

(iii) omit “(which make similar provision for Scotland)”.

**Commencement Information**

**I137** Sch. 1 para. 131 in force at 1.6.2009, see [art. 1](#)

**132.** In paragraph 23(2) of Part 4 of Schedule 28 (urban development corporations: land), 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**

**I138** Sch. 1 para. 132 in force at 1.6.2009, see [art. 1](#)

**Commencement Information****I136** Sch. 1 para. 130 in force at 1.6.2009, see [art. 1](#)**I137** Sch. 1 para. 131 in force at 1.6.2009, see [art. 1](#)**I138** Sch. 1 para. 132 in force at 1.6.2009, see [art. 1](#)**Highways Act 1980** **U.K.****133.** The Highways Act 1980(49) is amended as follows.**Commencement Information****I139** Sch. 1 para. 133 in force at 1.6.2009, see [art. 1](#)**134.** In section 261(1), (2), (3), (4) and (5) (benefit to vendor to be taken into account in assessing compensation on certain compulsory acquisitions for highway purposes) for “Lands Tribunal” substitute “Upper Tribunal”.**Commencement Information****I140** Sch. 1 para. 134 in force at 1.6.2009, see [art. 1](#)**135.** In section 262(1)(b) and (2)(b) (assumptions to be made in assessing compensation on certain compulsory acquisitions of land for service stations etc and lorry areas for special roads) for “Lands Tribunal” substitute “Upper Tribunal”.**Commencement Information****I141** Sch. 1 para. 135 in force at 1.6.2009, see [art. 1](#)**136.** In section 271(3) (provisions with respect to transfer of toll highways to highway authorities) for “Lands Tribunal” substitute “Upper Tribunal”.**Commencement Information****I142** Sch. 1 para. 136 in force at 1.6.2009, see [art. 1](#)**137.** In section 307 (disputes as to compensation which are to be determined by Lands Tribunal and related provisions)—

- (a) in the heading and subsections (1), (2), (4), (5), (6) and (7) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (5)(b) for “their” substitute “its”.

**Commencement Information****I143** Sch. 1 para. 137 in force at 1.6.2009, see [art. 1](#)

**138.** In paragraph 7 of Part 2 of Schedule 19 (compulsory acquisition of rights – modification of 1965 Act), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsections (1) and (1A) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (1) for “so determine” substitute “so determines”.

**Commencement Information**

**I144** Sch. 1 para. 138 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I139** Sch. 1 para. 133 in force at 1.6.2009, see [art. 1](#)

**I140** Sch. 1 para. 134 in force at 1.6.2009, see [art. 1](#)

**I141** Sch. 1 para. 135 in force at 1.6.2009, see [art. 1](#)

**I142** Sch. 1 para. 136 in force at 1.6.2009, see [art. 1](#)

**I143** Sch. 1 para. 137 in force at 1.6.2009, see [art. 1](#)

**I144** Sch. 1 para. 138 in force at 1.6.2009, see [art. 1](#)

**Judicial Pensions Act 1981** **U.K.**

**139.** The Judicial Pensions Act 1981(50) is amended as follows.

**Commencement Information**

**I145** Sch. 1 para. 139 in force at 1.6.2009, see [art. 1](#)

**140.** In section 10 (president or other member of either Lands Tribunal)—

- (a) in the heading, for “either Lands Tribunal” substitute “the Lands Tribunal for Scotland”;
- (b) in subsection (1)—
  - (i) omit “the Lands Tribunal, or”; and
  - (ii) for “appropriate minister” substitute “Secretary of State”; and
- (c) omit subsection (2).

**Commencement Information**

**I146** Sch. 1 para. 140 in force at 1.6.2009, see [art. 1](#)

**141.** In section 16 (application of Part 2 and interpretation), in the definition of “relevant service” in the entry for Member of Lands Tribunal or Lands Tribunal for Scotland—

- (a) in the first column omit “Lands Tribunal or”; and
- (b) in the second column for “either of those Tribunals” substitute “that Tribunal”.

**Commencement Information**

**I147** Sch. 1 para. 141 in force at 1.6.2009, see [art. 1](#)

(50) 1981 c.20. Section 10(1) was amended by section 118(2) of the [Courts and Legal Services Act 1990](#) (c.41).

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

**Commencement Information**

**I145** Sch. 1 para. 139 in force at 1.6.2009, see [art. 1](#)

**I146** Sch. 1 para. 140 in force at 1.6.2009, see [art. 1](#)

**I147** Sch. 1 para. 141 in force at 1.6.2009, see [art. 1](#)

**New Towns Act 1981** **U.K.**

**142.** The New Towns Act 1981<sup>(51)</sup> is amended as follows.

**Commencement Information**

**I148** Sch. 1 para. 142 in force at 1.6.2009, see [art. 1](#)

**143.** In paragraph 6 of Part 2 of Schedule 6 (modifications of enactments) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I149** Sch. 1 para. 143 in force at 1.6.2009, see [art. 1](#)

**144.** In Schedule 7 (assessment of compensation to statutory undertakers)—

- (a) in paragraphs 1(3) and 3(1) and (2) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
- (b) in paragraph 3(2)—
  - (i) for “sections 2 and” substitute “section”;
  - (ii) for “apply as they apply” substitute “applies as it applies”; and
  - (iii) for “section 4 of that Act” substitute “that section”.

**Commencement Information**

**I150** Sch. 1 para. 144 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I148** Sch. 1 para. 142 in force at 1.6.2009, see [art. 1](#)

**I149** Sch. 1 para. 143 in force at 1.6.2009, see [art. 1](#)

**I150** Sch. 1 para. 144 in force at 1.6.2009, see [art. 1](#)

**Compulsory Purchase (Vesting Declarations) Act 1981** **U.K.**

**145.** The Compulsory Purchase (Vesting Declarations) Act 1981<sup>(52)</sup> is amended as follows.

<sup>(51)</sup> 1981 c.64.

<sup>(52)</sup> 1981 c.66.

**Commencement Information**

**I151** Sch. 1 para. 145 in force at 1.6.2009, see [art. 1](#)

**146.** In section 10(3) (acquiring authority’s liability arising on vesting of the land) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I152** Sch. 1 para. 146 in force at 1.6.2009, see [art. 1](#)

**147.** In section 11(4) (recovery of compensation overpaid) for the words from “Lands Tribunal” to the end substitute “Upper Tribunal.”.

**Commencement Information**

**I153** Sch. 1 para. 147 in force at 1.6.2009, see [art. 1](#)

**148.** In paragraphs 4(1)(c), 8(1) and 9(1) and (2) of Part 1 of Schedule 1 (divided land; buildings and gardens etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I154** Sch. 1 para. 148 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I151** Sch. 1 para. 145 in force at 1.6.2009, see [art. 1](#)

**I152** Sch. 1 para. 146 in force at 1.6.2009, see [art. 1](#)

**I153** Sch. 1 para. 147 in force at 1.6.2009, see [art. 1](#)

**I154** Sch. 1 para. 148 in force at 1.6.2009, see [art. 1](#)

**Acquisition of Land Act 1981** **U.K.**

**149.** The Acquisition of Land Act 1981(**53**) is amended as follows.

**Commencement Information**

**I155** Sch. 1 para. 149 in force at 1.6.2009, see [art. 1](#)

**150.** In section 4(2) (assessment of compensation) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

**Commencement Information**

**I156** Sch. 1 para. 150 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. (See end of Document for details)*

**151.** In paragraph 3(4) of Part 3 of Schedule 2 (minerals) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I157** Sch. 1 para. 151 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I155** Sch. 1 para. 149 in force at 1.6.2009, see [art. 1](#)

**I156** Sch. 1 para. 150 in force at 1.6.2009, see [art. 1](#)

**I157** Sch. 1 para. 151 in force at 1.6.2009, see [art. 1](#)

**Civil Aviation Act 1982** **U.K.**

**152.** The Civil Aviation Act 1982(54) is amended as follows.

**Commencement Information**

**I158** Sch. 1 para. 152 in force at 1.6.2009, see [art. 1](#)

**153.** In section 44(6) (power to obtain rights over land) for “Lands Tribunal” substitute “appropriate tribunal”.

**Commencement Information**

**I159** Sch. 1 para. 153 in force at 1.6.2009, see [art. 1](#)

**154.** In section 50(7) (power of entry for purposes of survey) for “Lands Tribunal” substitute “appropriate tribunal”.

**Commencement Information**

**I160** Sch. 1 para. 154 in force at 1.6.2009, see [art. 1](#)

**155.** In section 51(1) (special provisions for statutory undertakers) for “Lands Tribunal” substitute “appropriate tribunal”.

**Commencement Information**

**I161** Sch. 1 para. 155 in force at 1.6.2009, see [art. 1](#)

**156.** In section 105 (general interpretation)—

(a) in subsection (1)—

(i) omit the definition of “the Lands Tribunal”; and

(ii) in the appropriate place, insert—

““the appropriate tribunal” means—

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(54) 1982 c.16.

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

(b) omit subsection (5).

**Commencement Information**

**I162** Sch. 1 para. 156 in force at 1.6.2009, see [art. 1](#)

**157.** In paragraph 5 of Schedule 8 (provisions relating to orders under section 45) for “Lands Tribunal” substitute “appropriate tribunal”.

**Commencement Information**

**I163** Sch. 1 para. 157 in force at 1.6.2009, see [art. 1](#)

**158.** In paragraph 9 of Part 2 of Schedule 9 (provisions relating to directions under section 46) for “Lands Tribunal” substitute “appropriate tribunal”.

**Commencement Information**

**I164** Sch. 1 para. 158 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I158** Sch. 1 para. 152 in force at 1.6.2009, see [art. 1](#)

**I159** Sch. 1 para. 153 in force at 1.6.2009, see [art. 1](#)

**I160** Sch. 1 para. 154 in force at 1.6.2009, see [art. 1](#)

**I161** Sch. 1 para. 155 in force at 1.6.2009, see [art. 1](#)

**I162** Sch. 1 para. 156 in force at 1.6.2009, see [art. 1](#)

**I163** Sch. 1 para. 157 in force at 1.6.2009, see [art. 1](#)

**I164** Sch. 1 para. 158 in force at 1.6.2009, see [art. 1](#)

**Aviation Security Act 1982** **U.K.**

**159.** Schedule 1 to the Aviation Security Act 1982(55) (provisions relating to compensation) is amended as follows—

- (a) in paragraph 7 for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraphs 9(b) and 10(b) for “Lands Tribunal shall” substitute “Upper Tribunal shall”.

**Commencement Information**

**I165** Sch. 1 para. 159 in force at 1.6.2009, see [art. 1](#)

(55) 1982 c.36.

**Mental Health Act 1983** **U.K.**

**160.** The Mental Health Act 1983<sup>(56)</sup> is amended as follows.

**Commencement Information**

**I166** Sch. 1 para. 160 in force at 1.6.2009, see [art. 1](#)

**161.** In section 77(2) (general provisions concerning tribunal applications) after “in accordance with” insert “Tribunal Procedure Rules or”.

**Commencement Information**

**I167** Sch. 1 para. 161 in force at 1.6.2009, see [art. 1](#)

**162.** In Schedule 2 (Mental Health Review Tribunal for Wales), after paragraph 4 insert—

“**5.**—(1) A member of the First-tier Tribunal who is eligible to decide any matter in a case under this Act may, at the request of the President of the Mental Health Review Tribunal for Wales and with the approval of the Senior President of Tribunals, act as a member of the Mental Health Review Tribunal for Wales.

(2) Every person while acting under this paragraph may perform any of the functions of a member of the Mental Health Review Tribunal for Wales.

(3) Until section 38(7) of the Mental Health Act 2007 comes into force, the reference in sub-paragraph (1) to the President of the Mental Health Review Tribunal for Wales is to be read as a reference to the chairman of the tribunal.”.

**Commencement Information**

**I168** Sch. 1 para. 162 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I166** Sch. 1 para. 160 in force at 1.6.2009, see [art. 1](#)

**I167** Sch. 1 para. 161 in force at 1.6.2009, see [art. 1](#)

**I168** Sch. 1 para. 162 in force at 1.6.2009, see [art. 1](#)

**National Heritage Act 1983** **U.K.**

**163.** In section 36(10) of the National Heritage Act 1983<sup>(57)</sup> (records: power of entry)—

(a) for “Lands Tribunal” substitute “Upper Tribunal”; and

(b) for “sections 2(2) to (5) and” substitute “section”.

**Commencement Information**

**I169** Sch. 1 para. 163 in force at 1.6.2009, see [art. 1](#)

<sup>(56)</sup> 1983 c.20.

<sup>(57)</sup> 1983 c.47.



## Telecommunications Act 1984 **U.K.**

**164.** In paragraph 4 of Schedule 2 to the Telecommunications Act 1984(**58**) (the Telecommunications Code: effect of rights and compensation)—

- (a) in sub-paragraph (6)—
  - (i) for “the Lands Tribunal” substitute “the appropriate tribunal”;
  - (ii) for “sections 2 and” substitute “section”;
  - (iii) for “procedure and costs before the Lands Tribunal” substitute “costs”;
- (b) in sub-paragraph (9) for “Lands Tribunal” substitute “appropriate tribunal”;
- (c) after sub-paragraph (10) insert—
  - “(10A) In this paragraph “the appropriate tribunal” means—
    - (a) in the application of this Act to England and Wales, the Upper Tribunal;
    - (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland;
    - (c) in the application of this Act to Northern Ireland, the Lands Tribunal for Northern Ireland.”;
- (d) in sub-paragraph (11)—
  - (i) in paragraph (a) omit “for any reference to the Lands Tribunal there is substituted a reference to the Lands Tribunal for Scotland and”; and
  - (ii) in paragraph (b) for “sections 2 and” substitute “section”;
- (e) in sub-paragraph (12)—
  - (i) omit paragraph (a); and
  - (ii) in paragraph (b) omit “2”.

### Commencement Information

**I170** Sch. 1 para. 164 in force at 1.6.2009, see [art. 1](#)

## Road Traffic Regulation Act 1984 **U.K.**

**165.** In paragraph 22(4) of Part 4 of Schedule 4 to the Road Traffic Regulation Act 1984(**59**) (control of off-street parking)—

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

### Commencement Information

**I171** Sch. 1 para. 165 in force at 1.6.2009, see [art. 1](#)

## Cycle Tracks Act 1984 **U.K.**

**166.** In section 5(3) of the Cycle Tracks Act 1984(**60**) (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

(58) 1984 c.12.

(59) 1984 c.27.

(60) 1984 c.xlv.

**Commencement Information**

**I172** Sch. 1 para. 166 in force at 1.6.2009, see [art. 1](#)

**Inheritance Tax Act 1984** **U.K.**

**167.** In section 222 of the Inheritance Tax Act 1984(**61**) (appeals against determinations)—

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

**Commencement Information**

**I173** Sch. 1 para. 167 in force at 1.6.2009, see [art. 1](#)

**Mineral Workings Act 1985** **U.K.**

**168.** The Mineral Workings Act 1985(**62**) is amended as follows.

**Commencement Information**

**I174** Sch. 1 para. 168 in force at 1.6.2009, see [art. 1](#)

**169.** In section 7(13) (power to enter former mining land etc.)—

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

**Commencement Information**

**I175** Sch. 1 para. 169 in force at 1.6.2009, see [art. 1](#)

**170.** In section 8(11) (works on former mining land etc.) —

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

**Commencement Information**

**I176** Sch. 1 para. 170 in force at 1.6.2009, see [art. 1](#)

(61) [1984 c.51](#). Section 222(4B) was substituted by section 200 of the [Finance Act 1993 \(c.34\)](#) and amended by the Transfer of Tribunal Functions and Revenue and Customs Order 2009 ([S.I. 2009/56](#)).

(62) [1985 c.12](#).

**Commencement Information**

**I174** Sch. 1 para. 168 in force at 1.6.2009, see [art. 1](#)

**I175** Sch. 1 para. 169 in force at 1.6.2009, see [art. 1](#)

**I176** Sch. 1 para. 170 in force at 1.6.2009, see [art. 1](#)

**Housing Act 1985** **U.K.**

**171.** The Housing Act 1985(**63**) is amended as follows.

**Commencement Information**

**I177** Sch. 1 para. 171 in force at 1.6.2009, see [art. 1](#)

**172.** In section 269(6)(a) and (b) (right of appeal against order) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I178** Sch. 1 para. 172 in force at 1.6.2009, see [art. 1](#)

**173.** In section 296(3) (apparatus of statutory undertakers) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I179** Sch. 1 para. 173 in force at 1.6.2009, see [art. 1](#)

**174.** In section 550(2)(a) (compulsory purchase compensation to be made up to 95 per cent of defect-free value) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I180** Sch. 1 para. 174 in force at 1.6.2009, see [art. 1](#)

**175.** In section 584B(6) (repayment on revocation of demolition or prohibition order)—  
(a) for “Lands Tribunal” substitute “Upper Tribunal”; and  
(b) for “section 2 and subsections (1)(a) and (4) to (6)” substitute “subsections (1)(a), (4) and (5)”.

**Commencement Information**

**I181** Sch. 1 para. 175 in force at 1.6.2009, see [art. 1](#)

(63) [1985 c.68](#). Section 269(6) was amended by section 48(1) and (2)(c) of the [Housing Act 2004 \(c.34\)](#). Section 584B was inserted by section 165 of, and paragraph 75 of Schedule 9 to, the [Local Government and Housing Act 1989 \(c.42\)](#) and substituted by section 265(1) of, and paragraphs 10 and 31 of Schedule 15 to, the 2004 Act. Paragraph 11(5B) of Schedule 5 was inserted by section 181 of the 2004 Act.

**176.** In paragraph 11(5B) of Schedule 5 (exceptions to the right to buy) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I182** Sch. 1 para. 176 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I177** Sch. 1 para. 171 in force at 1.6.2009, see [art. 1](#)

**I178** Sch. 1 para. 172 in force at 1.6.2009, see [art. 1](#)

**I179** Sch. 1 para. 173 in force at 1.6.2009, see [art. 1](#)

**I180** Sch. 1 para. 174 in force at 1.6.2009, see [art. 1](#)

**I181** Sch. 1 para. 175 in force at 1.6.2009, see [art. 1](#)

**I182** Sch. 1 para. 176 in force at 1.6.2009, see [art. 1](#)

**Landlord and Tenant Act 1985** **U.K.**

**177.** In section 20C(1) and (2)(c) of the Landlord and Tenant Act 1985(**64**) (limitation of service charges: costs of proceedings) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I183** Sch. 1 para. 177 in force at 1.6.2009, see [art. 1](#)

**Greater London Council (General Powers) Act 1986** **U.K.**

**178.** In section 4(11) of the Greater London Council (General Powers) Act 1986(**65**) (incorporation of certain banks, walls, etc. into flood defences) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I184** Sch. 1 para. 178 in force at 1.6.2009, see [art. 1](#)

**Gas Act 1986** **U.K.**

**179.** In Schedule 3 to the Gas Act 1986(**66**) (acquisition of land by gas transporter)—

- (a) in paragraph 8, in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—
  - (i) in subsection (1) for “Lands Tribunal determine” substitute “Upper Tribunal determines”;
  - (ii) in subsection (1) for “Lands Tribunal so determine” substitute “Upper Tribunal so determines”; and

**(64)** 1985 c.70. Section 20C was inserted by section 41 of and paragraph 4 of Schedule 2 to the [Landlord and Tenant Act 1987](#) (c.31), and was substituted by section 83(4) of the [Housing Act 1996](#) (c.52).

**(65)** 1986 c.iv.

**(66)** 1986 c.44.

- (iii) in subsection (1A) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 22 for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

**Commencement Information**

**I185** Sch. 1 para. 179 in force at 1.6.2009, see [art. 1](#)

**Landlord and Tenant Act 1987** **U.K.**

**180.** The Landlord and Tenant Act 1987(67) is amended as follows.

**Commencement Information**

**I186** Sch. 1 para. 180 in force at 1.6.2009, see [art. 1](#)

**181.** In section 12D(4) (nominated persons: supplementary provisions) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I187** Sch. 1 para. 181 in force at 1.6.2009, see [art. 1](#)

**182.** In section 14(4) (withdrawal of nominated person from transaction) for “Upper Tribunal” substitute “Lands Tribunal”.

**Commencement Information**

**I188** Sch. 1 para. 182 in force at 1.6.2009, see [art. 1](#)

**183.** In section 33(2)(a) (acquisition order where landlord cannot be found) for “President of the Lands Tribunal” substitute “Senior President of Tribunals”.

**Commencement Information**

**I189** Sch. 1 para. 183 in force at 1.6.2009, see [art. 1](#)

**184.** In section 34(4) (discharge of acquisition order and withdrawal by tenants) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I190** Sch. 1 para. 184 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I186** Sch. 1 para. 180 in force at 1.6.2009, see [art. 1](#)

(67) [1987 c.31](#). Sections 12D and 14 were substituted by section 92(1) of and Part 2 of Schedule 6 to the [Housing Act 1996 \(c.52\)](#).

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

- I187** Sch. 1 para. 181 in force at 1.6.2009, see [art. 1](#)  
**I188** Sch. 1 para. 182 in force at 1.6.2009, see [art. 1](#)  
**I189** Sch. 1 para. 183 in force at 1.6.2009, see [art. 1](#)  
**I190** Sch. 1 para. 184 in force at 1.6.2009, see [art. 1](#)

## Channel Tunnel Act 1987 **U.K.**

**185.** The Channel Tunnel Act 1987(**68**) is amended as follows.

### Commencement Information

- I191** Sch. 1 para. 185 in force at 1.6.2009, see [art. 1](#)

**186.** In section 46 (determination of questions referred to arbitration) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

- I192** Sch. 1 para. 186 in force at 1.6.2009, see [art. 1](#)

**187.** In Part 3 of Schedule 5 (supplementary provisions as to acquisition of land)—

- (a) in paragraphs 3(2) to (7) and 6(1) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 8(b), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965, in section 8(1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

- I193** Sch. 1 para. 187 in force at 1.6.2009, see [art. 1](#)

### Commencement Information

- I191** Sch. 1 para. 185 in force at 1.6.2009, see [art. 1](#)  
**I192** Sch. 1 para. 186 in force at 1.6.2009, see [art. 1](#)  
**I193** Sch. 1 para. 187 in force at 1.6.2009, see [art. 1](#)

## Local Government Finance Act 1988 **U.K.**

**188.** In Schedule 11 to the Local Government Finance Act 1988(**69**) (tribunals)—

- (a) in paragraph 11(1)(b) and (2)(a) to (d) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 14—
  - (i) in paragraphs (c) to (e) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (ii) in paragraph (d) omit “, as to the time within which an appeal may be initiated, and”.

**(68)** 1987 c.53.

**(69)** 1988 c.41.

**Commencement Information**

**I194** Sch. 1 para. 188 in force at 1.6.2009, see [art. 1](#)

**Housing Act 1988** **U.K.**

**189.** In paragraph 22 of Part 3 of Schedule 10 to the Housing Act 1988(**70**) (housing action trusts: land), 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**

**I195** Sch. 1 para. 189 in force at 1.6.2009, see [art. 1](#)

**Electricity Act 1989** **U.K.**

**190.** The Electricity Act 1989(**71**) is amended as follows.

**Commencement Information**

**I196** Sch. 1 para. 190 in force at 1.6.2009, see [art. 1](#)

**191.** In paragraph 9 of Part 2 of Schedule 3 (compulsory acquisition of land etc. by licence holders), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
  - (i) for “Lands Tribunal determine” 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**

**I197** Sch. 1 para. 191 in force at 1.6.2009, see [art. 1](#)

**192.** In Schedule 4 (other powers etc. of licence holders)—

- (a) in paragraphs 7(4) and 11(3) for “sections 2 and 4” substitute “section 4”; and
- (b) in paragraph 12 in the definition of “the Tribunal” for “Lands Tribunal in” substitute “Upper Tribunal in”.

**Commencement Information**

**I198** Sch. 1 para. 192 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I196** Sch. 1 para. 190 in force at 1.6.2009, see [art. 1](#)

(70) 1988 c.50.

(71) 1989 c.29.

**I197** Sch. 1 para. 191 in force at 1.6.2009, see [art. 1](#)

**I198** Sch. 1 para. 192 in force at 1.6.2009, see [art. 1](#)

## Town and Country Planning Act 1990 **U.K.**

**193.** The Town and Country Planning Act 1990(72) is amended as follows.

### Commencement Information

**I199** Sch. 1 para. 193 in force at 1.6.2009, see [art. 1](#)

**194.** In section 109(3)(a), (4) and (5) (apportionment of compensation for depreciation) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

### Commencement Information

**I200** Sch. 1 para. 194 in force at 1.6.2009, see [art. 1](#)

**195.** In section 118 (determination of claims for compensation)—

- (a) in subsection (1) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (2) for “sections 2 and” substitute “section”.

### Commencement Information

**I201** Sch. 1 para. 195 in force at 1.6.2009, see [art. 1](#)

**196.** In section 146(1), (4) and (8)(b) (effect of counter-notice under section 145) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

**I202** Sch. 1 para. 196 in force at 1.6.2009, see [art. 1](#)

**197.** In section 152(2)(b) (further counter-notices where certain proposals have come into force) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

**I203** Sch. 1 para. 197 in force at 1.6.2009, see [art. 1](#)

**198.** In section 153 (reference of objection to Lands Tribunal: general)—

- (a) in the heading and subsections (1) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) omit subsection (2).



**Commencement Information**

**I204** Sch. 1 para. 198 in force at 1.6.2009, see [art. 1](#)

**199.** In section 154(1)(b), (3)(a), (4)(a) and (b) and (6)(b) (effect of valid blight notice) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I205** Sch. 1 para. 199 in force at 1.6.2009, see [art. 1](#)

**200.** In section 155(1)(a) and (b) and (3)(b) and (c) (effect on powers of compulsory acquisition of counter-notice disclaiming intention to acquire) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I206** Sch. 1 para. 200 in force at 1.6.2009, see [art. 1](#)

**201.** In section 156(1) (withdrawal of blight notice) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I207** Sch. 1 para. 201 in force at 1.6.2009, see [art. 1](#)

**202.** In section 159(3), (4) and (5) (objections to section 158 notices) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I208** Sch. 1 para. 202 in force at 1.6.2009, see [art. 1](#)

**203.** In section 160(2)(a) and (4)(a) (effect of notices served by virtue of section 158) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I209** Sch. 1 para. 203 in force at 1.6.2009, see [art. 1](#)

**204.** In section 163(2)(b)(i) (prohibition on service of simultaneous notices under sections 150, 161 and 162) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I210** Sch. 1 para. 204 in force at 1.6.2009, see [art. 1](#)

**205.** In section 166(1)(b) and (2) (saving for claimant’s right to sell whole hereditament, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

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

**Commencement Information**

**I211** Sch. 1 para. 205 in force at 1.6.2009, see [art. 1](#)

- 206.** In section 186 (compensation for loss due to stop notice)—
- (a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (b) in subsection (7) for “sections 2 and” substitute “section”.

**Commencement Information**

**I212** Sch. 1 para. 206 in force at 1.6.2009, see [art. 1](#)

- 207.** In section 205 (determination of compensation claims)—
- (a) in subsection (1) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (b) in subsection (2) for “sections 2 and” substitute “section”.

**Commencement Information**

**I213** Sch. 1 para. 207 in force at 1.6.2009, see [art. 1](#)

- 208.** In section 223 (repayment of expense of removing prohibited advertisements)—
- (a) in subsection (2) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (b) in subsection (3) for “sections 2 and” substitute “section”.

**Commencement Information**

**I214** Sch. 1 para. 208 in force at 1.6.2009, see [art. 1](#)

- 209.** In section 250 (compensation for orders under section 249)—
- (a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (b) in subsection (7) for “sections 2 and” substitute “section”.

**Commencement Information**

**I215** Sch. 1 para. 209 in force at 1.6.2009, see [art. 1](#)

- 210.** In section 280(4) and (5) (measure of compensation to statutory undertakers, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I216** Sch. 1 para. 210 in force at 1.6.2009, see [art. 1](#)

- 211.** In section 282 (procedure for assessing compensation)—
- (a) in subsections (1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (b) in subsection (2)—
    - (i) for “sections 2 and” substitute “section”; and

(ii) for “section 4 of that Act” substitute “section 4”.

**Commencement Information**

**I217** Sch. 1 para. 211 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I199** Sch. 1 para. 193 in force at 1.6.2009, see [art. 1](#)  
**I200** Sch. 1 para. 194 in force at 1.6.2009, see [art. 1](#)  
**I201** Sch. 1 para. 195 in force at 1.6.2009, see [art. 1](#)  
**I202** Sch. 1 para. 196 in force at 1.6.2009, see [art. 1](#)  
**I203** Sch. 1 para. 197 in force at 1.6.2009, see [art. 1](#)  
**I204** Sch. 1 para. 198 in force at 1.6.2009, see [art. 1](#)  
**I205** Sch. 1 para. 199 in force at 1.6.2009, see [art. 1](#)  
**I206** Sch. 1 para. 200 in force at 1.6.2009, see [art. 1](#)  
**I207** Sch. 1 para. 201 in force at 1.6.2009, see [art. 1](#)  
**I208** Sch. 1 para. 202 in force at 1.6.2009, see [art. 1](#)  
**I209** Sch. 1 para. 203 in force at 1.6.2009, see [art. 1](#)  
**I210** Sch. 1 para. 204 in force at 1.6.2009, see [art. 1](#)  
**I211** Sch. 1 para. 205 in force at 1.6.2009, see [art. 1](#)  
**I212** Sch. 1 para. 206 in force at 1.6.2009, see [art. 1](#)  
**I213** Sch. 1 para. 207 in force at 1.6.2009, see [art. 1](#)  
**I214** Sch. 1 para. 208 in force at 1.6.2009, see [art. 1](#)  
**I215** Sch. 1 para. 209 in force at 1.6.2009, see [art. 1](#)  
**I216** Sch. 1 para. 210 in force at 1.6.2009, see [art. 1](#)  
**I217** Sch. 1 para. 211 in force at 1.6.2009, see [art. 1](#)

**Planning (Listing Buildings and Conservation Areas) Act 1990** **U.K.**

**212.** In section 31 of the Planning (Listing Buildings and Conservation Areas) Act 1990(73) (general provisions as to compensation for depreciation under Part 1)—

- (a) in subsection (4) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (5) for “sections 2 and” substitute “section”.

**Commencement Information**

**I218** Sch. 1 para. 212 in force at 1.6.2009, see [art. 1](#)

**Aviation and Maritime Security Act 1990** **U.K.**

**213.** In Schedule 2 to the Aviation and Maritime Security Act 1990(74) (provisions relating to compensation)—

- (a) in paragraph 7 for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraphs 8(b) and 9(b) for “Lands Tribunal is” substitute “Upper Tribunal is”.

(73) 1990 c.9.  
(74) 1990 c.31.

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

**Commencement Information**

**I219** Sch. 1 para. 213 in force at 1.6.2009, see [art. 1](#)

**Courts and Legal Services Act 1990** **U.K.**

**214.** In Schedule 11 to the Courts and Legal Services Act 1990(75) (judges etc. barred from legal practice) omit the entry for Member of the Lands Tribunal appointed under section 2 of the Lands Tribunal Act 1949.

**Commencement Information**

**I220** Sch. 1 para. 214 in force at 1.6.2009, see [art. 1](#)

**Planning and Compensation Act 1991** **U.K.**

**215.** In Part 2 of Schedule 18 to the Planning and Compensation Act 1991(76) (compensation provisions referred to in section 80) for the entry for rule 32 of the Lands Tribunal Rules 1996 substitute—

“Rule 32 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2009 (awards with interest by the Upper Tribunal).”.

**Commencement Information**

**I221** Sch. 1 para. 215 in force at 1.6.2009, see [art. 1](#)

**Coal Mining Subsidence Act 1991** **U.K.**

**216.** The Coal Mining Subsidence Act 1991(77) is amended as follows.

**Commencement Information**

**I222** Sch. 1 para. 216 in force at 1.6.2009, see [art. 1](#)

**217.** In section 6(4) and (6) (schedule of remedial works) for “Lands Tribunal” substitute “appropriate tribunal”.

**Commencement Information**

**I223** Sch. 1 para. 217 in force at 1.6.2009, see [art. 1](#)

**218.** In section 40(1) (disputes: general) for “Lands Tribunal” substitute “appropriate tribunal”.

(75) 1990 c.41.

(76) 1991 c.34. Part 2 of Schedule 18 was amended by article 2(1) and (3) of the Planning and Compensation Act 1991 (Amendment of Schedule 18) Order 1999 (S.I. 1999/648).

(77) 1991 c.45.

**Commencement Information**

**I224** Sch. 1 para. 218 in force at 1.6.2009, see [art. 1](#)

**219.** In section 52 (interpretation) omit the definition of “the Lands Tribunal” and insert in the appropriate place—

““the appropriate tribunal” means—

- (a) in relation to England and Wales, the Upper Tribunal;
- (b) in relation to Scotland, the Lands Tribunal for Scotland;”.

**Commencement Information**

**I225** Sch. 1 para. 219 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I222** Sch. 1 para. 216 in force at 1.6.2009, see [art. 1](#)

**I223** Sch. 1 para. 217 in force at 1.6.2009, see [art. 1](#)

**I224** Sch. 1 para. 218 in force at 1.6.2009, see [art. 1](#)

**I225** Sch. 1 para. 219 in force at 1.6.2009, see [art. 1](#)

**Water Industry Act 1991** **U.K.**

**220.** The Water Industry Act 1991(78) is amended as follows.

**Commencement Information**

**I226** Sch. 1 para. 220 in force at 1.6.2009, see [art. 1](#)

**221.** In paragraph 11(3)(a) of Part 2 of Schedule 6 (supplemental provisions relating to right of entry) for “President of the Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I227** Sch. 1 para. 221 in force at 1.6.2009, see [art. 1](#)

**222.** In paragraph 4 of Schedule 9 (modification of compensation provisions etc. in relation to the creation of new rights), in the provisions substituted for subsection 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
  - (i) for “Lands Tribunal determine” 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”.

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

**Commencement Information**

**I228** Sch. 1 para. 222 in force at 1.6.2009, see [art. 1](#)

- 223.** In paragraph 8(6) of Schedule 11 (orders conferring compulsory works powers)—
- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (b) for “sections 2 and” substitute “section”.

**Commencement Information**

**I229** Sch. 1 para. 223 in force at 1.6.2009, see [art. 1](#)

- 224.** In paragraph 3(1) of Schedule 12 (compensation etc. in respect of pipe-laying and other works powers)—
- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (b) for “sections 2 and” substitute “section”.

**Commencement Information**

**I230** Sch. 1 para. 224 in force at 1.6.2009, see [art. 1](#)

- 225.** In paragraph 2(4) of Schedule 14 (mineral rights) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I231** Sch. 1 para. 225 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

- I226** Sch. 1 para. 220 in force at 1.6.2009, see [art. 1](#)
- I227** Sch. 1 para. 221 in force at 1.6.2009, see [art. 1](#)
- I228** Sch. 1 para. 222 in force at 1.6.2009, see [art. 1](#)
- I229** Sch. 1 para. 223 in force at 1.6.2009, see [art. 1](#)
- I230** Sch. 1 para. 224 in force at 1.6.2009, see [art. 1](#)
- I231** Sch. 1 para. 225 in force at 1.6.2009, see [art. 1](#)

**Child Support Act 1991** **U.K.**

- 226.**—(1) The amendment made by this paragraph does not have effect at any time after the commencement of paragraph 23 of Schedule 4 to the Northern Ireland Act 2009(79).
- (2) In paragraph 4 of Schedule 4 to the Child Support Act 1991(80) (Child Support Commissioners for Northern Ireland)—

(79) 2009 c. 3.

(80) 1991 c.48. In paragraph 4 of Schedule 4, sub-paragraph (2)(b) was amended by section 26 of, and paragraph 23(3) of Schedule 6 to, the [Judicial Pensions and Retirement Act 1993](#) (c.8), and sub-paragraphs (1) and (2)(a) were amended by article 9(1) of, and paragraph 97(7)(a) and (d) of Schedule 3 to, the [Transfer of Tribunal Functions Order 2008](#) (S.I. 2008/2833).

- (a) in sub-paragraph (1) for “First Minister and deputy First Minister, acting jointly,” substitute “Lord Chancellor”; and
- (b) in sub-paragraph (2)(b) for “First Minister and deputy First Minister think” substitute “Lord Chancellor thinks”.

**Commencement Information**

**I232** Sch. 1 para. 226 in force at 1.6.2009, see [art. 1](#)

**Water Resources Act 1991** **U.K.**

**227.** The Water Resources Act 1991(81) is amended as follows.

**Commencement Information**

**I233** Sch. 1 para. 227 in force at 1.6.2009, see [art. 1](#)

**228.** In section 61(5) (compensation where licence modified on direction of the Secretary of State)—

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

**Commencement Information**

**I234** Sch. 1 para. 228 in force at 1.6.2009, see [art. 1](#)

**229.** In section 62(5) (compensation for owner of fishing rights applying under section 55)—

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

**Commencement Information**

**I235** Sch. 1 para. 229 in force at 1.6.2009, see [art. 1](#)

**230.** In section 63(4)(b) (Secretary of State to indemnify Agency in certain cases) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I236** Sch. 1 para. 230 in force at 1.6.2009, see [art. 1](#)

**231.** In paragraphs 3(2) and 4(2), (3) and (4) of Schedule 9 (compensation in respect of drought orders) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I237** Sch. 1 para. 231 in force at 1.6.2009, see [art. 1](#)

**232.** In paragraph 4 of Schedule 18 (modification of compensation provisions etc. in relation to the creation of new rights), in the provisions substituted for subsection 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
  - (i) for “Lands Tribunal determine” 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**

**I238** Sch. 1 para. 232 in force at 1.6.2009, see [art. 1](#)

**233.** In paragraph 8(6) of Schedule 19 (orders conferring compulsory works powers)—

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

**Commencement Information**

**I239** Sch. 1 para. 233 in force at 1.6.2009, see [art. 1](#)

**234.** In paragraph 6(3)(a) of Schedule 20 (supplemental provisions with respect to powers of entry) for “President of the Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I240** Sch. 1 para. 234 in force at 1.6.2009, see [art. 1](#)

**235.** In Schedule 21 (compensation etc. in respect of certain works powers)—

- (a) in paragraph 3(1)—
  - (i) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (ii) for “sections 2 and” substitute “section”; and
- (b) in paragraph 5(2) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I241** Sch. 1 para. 235 in force at 1.6.2009, see [art. 1](#)

**236.** In paragraph 2(4) of Schedule 23 (mineral rights) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I242** Sch. 1 para. 236 in force at 1.6.2009, see [art. 1](#)



**Commencement Information**

- I233 Sch. 1 para. 227 in force at 1.6.2009, see [art. 1](#)
- I234 Sch. 1 para. 228 in force at 1.6.2009, see [art. 1](#)
- I235 Sch. 1 para. 229 in force at 1.6.2009, see [art. 1](#)
- I236 Sch. 1 para. 230 in force at 1.6.2009, see [art. 1](#)
- I237 Sch. 1 para. 231 in force at 1.6.2009, see [art. 1](#)
- I238 Sch. 1 para. 232 in force at 1.6.2009, see [art. 1](#)
- I239 Sch. 1 para. 233 in force at 1.6.2009, see [art. 1](#)
- I240 Sch. 1 para. 234 in force at 1.6.2009, see [art. 1](#)
- I241 Sch. 1 para. 235 in force at 1.6.2009, see [art. 1](#)
- I242 Sch. 1 para. 236 in force at 1.6.2009, see [art. 1](#)

**Land Drainage Act 1991** U.K.

237. The Land Drainage Act 1991(82) is amended as follows.

**Commencement Information**

- I243 Sch. 1 para. 237 in force at 1.6.2009, see [art. 1](#)

238. In section 14(6) (general drainage powers of boards and local authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

- I244 Sch. 1 para. 238 in force at 1.6.2009, see [art. 1](#)

239. In section 22(7) (powers of ministers to authorise landowners to carry out drainage works) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

- I245 Sch. 1 para. 239 in force at 1.6.2009, see [art. 1](#)

240. In section 29(6) (effect of order under section 28) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

- I246 Sch. 1 para. 240 in force at 1.6.2009, see [art. 1](#)

241. In section 46(6) (hearing and determination of appeals under section 45) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

- I247 Sch. 1 para. 241 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. (See end of Document for details)*

**242.** In section 64(5) (powers of entry for internal drainage boards and local authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I248** Sch. 1 para. 242 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I243** Sch. 1 para. 237 in force at 1.6.2009, see [art. 1](#)

**I244** Sch. 1 para. 238 in force at 1.6.2009, see [art. 1](#)

**I245** Sch. 1 para. 239 in force at 1.6.2009, see [art. 1](#)

**I246** Sch. 1 para. 240 in force at 1.6.2009, see [art. 1](#)

**I247** Sch. 1 para. 241 in force at 1.6.2009, see [art. 1](#)

**I248** Sch. 1 para. 242 in force at 1.6.2009, see [art. 1](#)

**Transport and Works Act 1992** **U.K.**

**243.** In section 53(6) of the Transport and Works Act 1992(**83**) (rights to enter land) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

**Commencement Information**

**I249** Sch. 1 para. 243 in force at 1.6.2009, see [art. 1](#)

**Tribunals and Inquiries Act 1992** **U.K.**

**244.** The Tribunals and Inquiries Act 1992(**84**) is amended as follows.

**Commencement Information**

**I250** Sch. 1 para. 244 in force at 1.6.2009, see [art. 1](#)

**245.** In section 11(1) (appeals from certain tribunals) omit “, 44”.

**Commencement Information**

**I251** Sch. 1 para. 245 in force at 1.6.2009, see [art. 1](#)

**246.** In Part 1 of Schedule 1 (tribunals under direct supervision of council) omit the entry at paragraph 27 relating to the Lands Tribunal.

**Commencement Information**

**I252** Sch. 1 para. 246 in force at 1.6.2009, see [art. 1](#)

(83) 1992 c.42.

(84) 1992 c.53.

**Commencement Information**

**I250** Sch. 1 para. 244 in force at 1.6.2009, see [art. 1](#)

**I251** Sch. 1 para. 245 in force at 1.6.2009, see [art. 1](#)

**I252** Sch. 1 para. 246 in force at 1.6.2009, see [art. 1](#)

**Judicial Pensions and Retirement Act 1993** **U.K.**

**247.** The Judicial Pensions and Retirement Act 1993(**85**) is amended as follows.

**Commencement Information**

**I253** Sch. 1 para. 247 in force at 1.6.2009, see [art. 1](#)

**248.** In Part 2 of Schedule 1 (the offices which may be qualifying judicial offices – members of tribunals) in the entry for President or other member of the Lands Tribunal, the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland, omit “the Lands Tribunal,”.

**Commencement Information**

**I254** Sch. 1 para. 248 in force at 1.6.2009, see [art. 1](#)

**249.** In Schedule 5 (retirement provisions: the relevant offices) in the entry for President or other member of the Lands Tribunal, the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland, omit “the Lands Tribunal,”.

**Commencement Information**

**I255** Sch. 1 para. 249 in force at 1.6.2009, see [art. 1](#)

**250.** In Schedule 7 (retirement dates: transitional provisions) in paragraph 5(2)(b) and (5)(x) omit “of the Lands Tribunal, or”.

**Commencement Information**

**I256** Sch. 1 para. 250 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I253** Sch. 1 para. 247 in force at 1.6.2009, see [art. 1](#)

**I254** Sch. 1 para. 248 in force at 1.6.2009, see [art. 1](#)

**I255** Sch. 1 para. 249 in force at 1.6.2009, see [art. 1](#)

**I256** Sch. 1 para. 250 in force at 1.6.2009, see [art. 1](#)

**Cardiff Bay Barrage Act 1993** **U.K.**

**251.** The Cardiff Bay Barrage Act 1993<sup>(86)</sup> is amended as follows.

**Commencement Information**

**I257** Sch. 1 para. 251 in force at 1.6.2009, see [art. 1](#)

**252.** In paragraph 13(2) of Schedule 2 (works: supplementary – compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I258** Sch. 1 para. 252 in force at 1.6.2009, see [art. 1](#)

**253.** In paragraph 6(3) of Schedule 5 (temporary occupation and use of land) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I259** Sch. 1 para. 253 in force at 1.6.2009, see [art. 1](#)

**254.** In paragraphs 16(4) and 27(2) of Schedule 7 (groundwater damage protection) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I260** Sch. 1 para. 254 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I257** Sch. 1 para. 251 in force at 1.6.2009, see [art. 1](#)

**I258** Sch. 1 para. 252 in force at 1.6.2009, see [art. 1](#)

**I259** Sch. 1 para. 253 in force at 1.6.2009, see [art. 1](#)

**I260** Sch. 1 para. 254 in force at 1.6.2009, see [art. 1](#)

**Coal Industry Act 1994** **U.K.**

**255.** The Coal Industry Act 1994<sup>(87)</sup> is amended as follows.

**Commencement Information**

**I261** Sch. 1 para. 255 in force at 1.6.2009, see [art. 1](#)

**256.** In section 47 (disputes etc. as to subsidence matters)—

- (a) in subsections (1), (2)(b), (4) and (9)(d) for “Lands Tribunal” substitute “appropriate tribunal”;

<sup>(86)</sup> 1993 c.42.

<sup>(87)</sup> 1994 c.21. Schedule 1B was inserted by section 85(2) of and Schedule 6 to the [Water Act 2003 \(c.37\)](#).

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

- (b) in subsection (4) for “that Tribunal” substitute “that tribunal”; and
- (c) in subsection (10) omit the definition of “the Lands Tribunal” and insert in the appropriate place—
  - ““the appropriate tribunal” means—
  - (a) in relation to England and Wales, the Upper Tribunal;
  - (b) in relation to Scotland, the Lands Tribunal for Scotland; and”.

**Commencement Information**

**I262** Sch. 1 para. 256 in force at 1.6.2009, see [art. 1](#)

**257.** In section 59(2)(e) (information to be kept confidential by the Authority) for “Lands Tribunal or” substitute “Upper Tribunal or”.

**Commencement Information**

**I263** Sch. 1 para. 257 in force at 1.6.2009, see [art. 1](#)

**258.** In paragraph 4 of Schedule 1B (modification of compensation provisions etc. in relation to the creation of new rights), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
  - (i) for “Lands Tribunal determine” 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**

**I264** Sch. 1 para. 258 in force at 1.6.2009, see [art. 1](#)

**259.** In paragraph 6(5) and (6) of Part 1 of Schedule 7 (retained interests in copyhold land) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I265** Sch. 1 para. 259 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I261** Sch. 1 para. 255 in force at 1.6.2009, see [art. 1](#)

**I262** Sch. 1 para. 256 in force at 1.6.2009, see [art. 1](#)

**I263** Sch. 1 para. 257 in force at 1.6.2009, see [art. 1](#)

**I264** Sch. 1 para. 258 in force at 1.6.2009, see [art. 1](#)

**I265** Sch. 1 para. 259 in force at 1.6.2009, see [art. 1](#)

### British Waterways Act 1995 **U.K.**

- 260.** In section 2(1) of the British Waterways Act 1995<sup>(88)</sup> (interpretation)—
- (a) in the definition of “the specified provisions” for “sections 2(2) to (5) and” substitute “section”; and
  - (b) in the definition of “the tribunal” for “Lands Tribunal or” substitute “Upper Tribunal or”.

#### Commencement Information

**I266** Sch. 1 para. 260 in force at 1.6.2009, see [art. 1](#)

### Housing Act 1996 **U.K.**

**261.** In Schedule 5 of the Housing Act 1996<sup>(89)</sup> (text of Part 2 of the Landlord and Tenant Act 1987, as amended) in section 24A(6) and (7) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

#### Commencement Information

**I267** Sch. 1 para. 261 in force at 1.6.2009, see [art. 1](#)

### Channel Tunnel Rail Link Act 1996 **U.K.**

**262.**—(1) Part 3 of Schedule 4 to the Channel Tunnel Rail Link Act 1996<sup>(90)</sup> (acquisition of land within limits shown on deposited plans) is amended as follows.

(2) In paragraph 9(3), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
  - (i) in paragraph (b) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (ii) in paragraph (c)—
    - (aa) for “Lands Tribunal have” substitute “Upper Tribunal has”; and
    - (bb) for “them” substitute “the Upper Tribunal”;
- (b) in subsection (1B)(b) for “Lands Tribunal direct” substitute “Upper Tribunal directs”;
- (c) in subsection (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (d) in subsection (1D)—
  - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
  - (ii) for “them” substitute “the Upper Tribunal”.

(3) In paragraph 9(10), in the provision substituted for section 58 of the Land Compensation Act 1973, for “Lands Tribunal” substitute “Upper Tribunal”.

(4) In paragraph 11—

- (a) in sub-paragraph (5) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in sub-paragraphs (6) to (11) for “Lands Tribunal determine” substitute “Upper Tribunal determines”.

<sup>(88)</sup> 1995 c.i.

<sup>(89)</sup> 1996 c.52.

<sup>(90)</sup> 1996 c.61.

(5) In paragraph 12(1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I268** Sch. 1 para. 262 in force at 1.6.2009, see [art. 1](#)

**Government of Wales Act 1998** **U.K.**

**263.** In paragraph 15(4) of Schedule 13 to the Government of Wales Act 1998(91) (Welsh Development Agency: Land Provisions)—

- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for “sections 2 and 4” substitute “section 4”.

**Commencement Information**

**I269** Sch. 1 para. 263 in force at 1.6.2009, see [art. 1](#)

**Regional Development Agencies Act 1998** **U.K.**

**264.** In paragraph 4 of Part 2 of Schedule 5 to the Regional Development Agencies Act 1998(92) (acquisition of land), in the provisions substituted for sections 7 and 8 of the Compulsory Purchase Act 1965, in section 8(1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I270** Sch. 1 para. 264 in force at 1.6.2009, see [art. 1](#)

**Postal Services Act 2000** **U.K.**

**265.** The Postal Services Act 2000(93) is amended as follows.

**Commencement Information**

**I271** Sch. 1 para. 265 in force at 1.6.2009, see [art. 1](#)

**266.** In paragraph 8 of Part 2 of Schedule 5 (acquisition of land), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsections (1A) and (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (1B) for “Lands Tribunal make” substitute “Upper Tribunal makes”.

**Commencement Information**

**I272** Sch. 1 para. 266 in force at 1.6.2009, see [art. 1](#)

**267.** In paragraph 5(2) of Schedule 6 (further provisions relating to land)—

(91) 1998 c.38.  
(92) 1998 c.45.  
(93) 2000 c.26.

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

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

**Commencement Information**

**I273** Sch. 1 para. 267 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I271** Sch. 1 para. 265 in force at 1.6.2009, see [art. 1](#)

**I272** Sch. 1 para. 266 in force at 1.6.2009, see [art. 1](#)

**I273** Sch. 1 para. 267 in force at 1.6.2009, see [art. 1](#)

**Fur Farming (Prohibition) Act 2000** **U.K.**

**268.** In section 5(6) of the Fur Farming (Prohibition) Act 2000(**94**) (compensation for existing businesses) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I274** Sch. 1 para. 268 in force at 1.6.2009, see [art. 1](#)

**Commonhold and Leasehold Reform Act 2002** **U.K.**

**269.** In section 175 of the Commonhold and Leasehold Reform Act 2002(**95**) (appeals)—

- (a) in subsections (1), (2)(b), (4), (5) and (6) for “Lands Tribunal” in each place substitute “Upper Tribunal”; and
- (b) omit subsections (3) and (10).

**Commencement Information**

**I275** Sch. 1 para. 269 in force at 1.6.2009, see [art. 1](#)

**Finance Act 2003** **U.K.**

**270.** In paragraph 45 of Part 7 of Schedule 10 to the Finance Act 2003(**96**) (appeals against Revenue decisions on tax: questions to be determined by the relevant Lands Tribunal)—

- (a) in the heading and sub-paragraph (1) for “Lands Tribunal” substitute “tribunal”; and
- (b) in sub-paragraph (2)—
  - (i) for “regulation “the relevant Lands Tribunal”” substitute “paragraph “the relevant tribunal””; and
  - (ii) in paragraph (a) for “Lands Tribunal” substitute “Upper Tribunal”.

(94) 2000 c.33.

(95) 2002 c.15.

(96) 2003 c. 14. Paragraph 45 was inserted by paragraph 393 of Schedule 1 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56).



**Commencement Information**

**I276** Sch. 1 para. 270 in force at 1.6.2009, see [art. 1](#)

**Housing Act 2004** **U.K.**

**271.** The Housing Act 2004(97) is amended as follows.

**Commencement Information**

**I277** Sch. 1 para. 271 in force at 1.6.2009, see [art. 1](#)

**272.** In section 42(4)(b)(i) and (ii) (recovery of expenses of taking emergency remedial action) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I278** Sch. 1 para. 272 in force at 1.6.2009, see [art. 1](#)

**273.** In section 50(7)(a) (recovery of charge under section 49) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I279** Sch. 1 para. 273 in force at 1.6.2009, see [art. 1](#)

**274.** In section 143(4)(a) and (b) (appeals against overcrowding notices) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I280** Sch. 1 para. 274 in force at 1.6.2009, see [art. 1](#)

**275.** In section 181(3) (exceptions to the right to buy: determination whether exception for dwelling-house suitable for elderly persons applies), in the inserted paragraph (5B), for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I281** Sch. 1 para. 275 in force at 1.6.2009, see [art. 1](#)

**276.** In section 231 (appeals from residential property tribunals)—

- (a) in subsections (1) and (3) for “Lands Tribunal” substitute “Upper Tribunal”;
- (b) for subsection (2) substitute—

“(2) But the appeal may only be made with the permission of the residential property tribunal or the Upper Tribunal.”; and

- (c) omit subsection (5).

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

**Commencement Information**

**I282** Sch. 1 para. 276 in force at 1.6.2009, see [art. 1](#)

**277.** In section 255(7)(a) and (b) (HMO declarations) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I283** Sch. 1 para. 277 in force at 1.6.2009, see [art. 1](#)

**278.** In paragraphs 19(2)(a) and (b) and 20(3)(a) and (b) of Part 3 of Schedule 1 (procedure and appeals relating to improvement notices) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I284** Sch. 1 para. 278 in force at 1.6.2009, see [art. 1](#)

**279.** In paragraphs 14(2)(a) and (b) and 15(3)(a) and (b) of Part 3 of Schedule 2 (procedure and appeals relating to prohibition orders) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I285** Sch. 1 para. 279 in force at 1.6.2009, see [art. 1](#)

**280.** In paragraph 11(6)(a) and (b) of Part 3 of Schedule 3 (improvement notices: enforcement action by local housing authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I286** Sch. 1 para. 280 in force at 1.6.2009, see [art. 1](#)

**281.** In paragraph 35(3)(a) and (b) of Part 3 of Schedule 5 (licences under Parts 2 and 3: procedure and appeals) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I287** Sch. 1 para. 281 in force at 1.6.2009, see [art. 1](#)

**282.** In paragraphs 27(3)(a) and (b) and 31(3)(a) and (b) of Part 3 of Schedule 6 (management orders: procedure and appeals) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I288** Sch. 1 para. 282 in force at 1.6.2009, see [art. 1](#)

**283.** In paragraphs 29(3)(a) and (b) and 33(3)(a) and (b) of Part 4 of Schedule 7 (further provisions regarding empty dwelling management orders) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I289** Sch. 1 para. 283 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I277** Sch. 1 para. 271 in force at 1.6.2009, see [art. 1](#)

**I278** Sch. 1 para. 272 in force at 1.6.2009, see [art. 1](#)

**I279** Sch. 1 para. 273 in force at 1.6.2009, see [art. 1](#)

**I280** Sch. 1 para. 274 in force at 1.6.2009, see [art. 1](#)

**I281** Sch. 1 para. 275 in force at 1.6.2009, see [art. 1](#)

**I282** Sch. 1 para. 276 in force at 1.6.2009, see [art. 1](#)

**I283** Sch. 1 para. 277 in force at 1.6.2009, see [art. 1](#)

**I284** Sch. 1 para. 278 in force at 1.6.2009, see [art. 1](#)

**I285** Sch. 1 para. 279 in force at 1.6.2009, see [art. 1](#)

**I286** Sch. 1 para. 280 in force at 1.6.2009, see [art. 1](#)

**I287** Sch. 1 para. 281 in force at 1.6.2009, see [art. 1](#)

**I288** Sch. 1 para. 282 in force at 1.6.2009, see [art. 1](#)

**I289** Sch. 1 para. 283 in force at 1.6.2009, see [art. 1](#)

**Constitutional Reform Act 2005** **U.K.**

**284.** The Constitutional Reform Act 2005(**98**) is amended as follows.

**Commencement Information**

**I290** Sch. 1 para. 284 in force at 1.6.2009, see [art. 1](#)

**285.** In Schedule 7 (protected functions of the Lord Chancellor) omit the entry relating to the Lands Tribunal Act 1949.

**Commencement Information**

**I291** Sch. 1 para. 285 in force at 1.6.2009, see [art. 1](#)

**286.** In Part 3 of Schedule 14 (appointments by the Lord Chancellor: offices to which paragraph 12(2)(d) of Schedule 12 applies) omit the entry relating to a President or Member of the Lands Tribunal.

**Commencement Information**

**I292** Sch. 1 para. 286 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I290** Sch. 1 para. 284 in force at 1.6.2009, see [art. 1](#)

**I291** Sch. 1 para. 285 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. (See end of Document for details)*

**I292** Sch. 1 para. 286 in force at 1.6.2009, see [art. 1](#)

### **London Olympic Games and Paralympic Games Act 2006** **U.K.**

**287.** In section 4 of the London Olympic Games and Paralympic Games Act 2006(**99**) (general functions)—

- (a) in subsection (5)(a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (6)(a) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

#### **Commencement Information**

**I293** Sch. 1 para. 287 in force at 1.6.2009, see [art. 1](#)

### **Criminal Justice and Immigration Act 2008** **U.K.**

**288.** In section 135 of the Criminal Justice and Immigration Act 2008(**100**) (support: supplemental)—

- (a) omit subsection (3); and
- (b) in subsection (4) omit “other”.

#### **Commencement Information**

**I294** Sch. 1 para. 288 in force at 1.6.2009, see [art. 1](#)

### **Housing and Regeneration Act 2008** **U.K.**

**289.** In paragraph 11 of Part 1 of Schedule 2 to the Housing and Regeneration Act 2008(**101**) (acquisition of land), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(b)(i) for “Lands Tribunal” substitute “Upper Tribunal”.

#### **Commencement Information**

**I295** Sch. 1 para. 289 in force at 1.6.2009, see [art. 1](#)

### **Crossrail Act 2008** **U.K.**

**290.**—(1) Part 3 of Schedule 6 to the Crossrail Act 2008(**102**) (acquisition of land shown within limits on deposited plans) is amended as follows.

(2) In paragraph 7(3), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
  - (i) in paragraph (b) for “Lands Tribunal” substitute “Upper Tribunal”; and

(99) 2006 c.12.

(100) 2008 c.4.

(101) 2008 c.17.

(102) 2008 c.18.

- (ii) in paragraph (c)—
  - (aa) for “Lands Tribunal have” substitute “Upper Tribunal has”; and
  - (bb) for “them” substitute “the Upper Tribunal”;
- (b) in subsection (1B)(b) for “Lands Tribunal direct” substitute “Upper Tribunal directs”;
- (c) in subsection (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (d) in subsection (1D)—
  - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
  - (ii) for “them” substitute “the Upper Tribunal”.

(3) In paragraph 7(10), in the provision substituted for section 58 of the Land Compensation Act 1973, in subsection (1) for “Lands Tribunal” substitute “Upper Tribunal”.

(4) In paragraph 14(5) for “Lands Tribunal” substitute “Upper Tribunal”.

(5) In paragraph 15(1) to (6) for “Lands Tribunal determine” substitute “Upper Tribunal determines”.

(6) In paragraph 16(1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I296** Sch. 1 para. 290 in force at 1.6.2009, see [art. 1](#)

**Planning Act 2008** **U.K.**

**291.** The Planning Act 2008(**103**) is amended as follows.

**Commencement Information**

**I297** Sch. 1 para. 291 in force at 1.6.2009, see [art. 1](#)

**292.** In section 53(8) (rights of entry) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I298** Sch. 1 para. 292 in force at 1.6.2009, see [art. 1](#)

**293.** In section 152(4) (compensation in case where no right to claim in nuisance) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I299** Sch. 1 para. 293 in force at 1.6.2009, see [art. 1](#)

**294.** In section 165 (rights of entry: supplementary provisions)—

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

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

**Commencement Information**

**I300** Sch. 1 para. 294 in force at 1.6.2009, see [art. 1](#)

**295.** In section 192(7) (tree preservation orders), in the provision to be inserted as section 202E(6) in the Town and Country Planning Act 1990, omit “the Lands Tribunal,”.

**Commencement Information**

**I301** Sch. 1 para. 295 in force at 1.6.2009, see [art. 1](#)

**296.** In section 219 (compensation) —

- (a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (7) for “sections 2 and” substitute “section”.

**Commencement Information**

**I302** Sch. 1 para. 296 in force at 1.6.2009, see [art. 1](#)

**297.** In paragraphs 6(6)(a) and 7(3)(d) of Schedule 6 (changes to, and revocation of, orders granting development consent) omit “the Lands Tribunal,”.

**Commencement Information**

**I303** Sch. 1 para. 297 in force at 1.6.2009, see [art. 1](#)

**298.** In Schedule 12 (application of Act to Scotland: modifications)—

- (a) in paragraphs 7(b), 20(a) and 22(b) for “Lands Tribunal were” substitute “Upper Tribunal were”; and
- (b) in paragraph 22(c) for “sections 2 and” substitute “section”.

**Commencement Information**

**I304** Sch. 1 para. 298 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

- I297** Sch. 1 para. 291 in force at 1.6.2009, see [art. 1](#)
- I298** Sch. 1 para. 292 in force at 1.6.2009, see [art. 1](#)
- I299** Sch. 1 para. 293 in force at 1.6.2009, see [art. 1](#)
- I300** Sch. 1 para. 294 in force at 1.6.2009, see [art. 1](#)
- I301** Sch. 1 para. 295 in force at 1.6.2009, see [art. 1](#)
- I302** Sch. 1 para. 296 in force at 1.6.2009, see [art. 1](#)
- I303** Sch. 1 para. 297 in force at 1.6.2009, see [art. 1](#)
- I304** Sch. 1 para. 298 in force at 1.6.2009, see [art. 1](#)

SCHEDULE 2 **U.K.**

Article 5(1) and (3)

Consequential amendments to secondary legislation

**Lands Tribunal (Statutory Undertakers Compensation Jurisdiction) Order 1952** **U.K.**

1. The Lands Tribunal (Statutory Undertakers Compensation Jurisdiction) Order 1952(**104**) is amended as follows.

**Commencement Information**

**I305** 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**

**I306** 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**

**I307** Sch. 2 para. 3 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I305** Sch. 2 para. 1 in force at 1.6.2009, see [art. 1](#)

**I306** Sch. 2 para. 2 in force at 1.6.2009, see [art. 1](#)

**I307** Sch. 2 para. 3 in force at 1.6.2009, see [art. 1](#)

**Landlord and Tenant (Determination of Rateable Value Procedure) Rules 1954** **U.K.**

4. The Landlord and Tenant (Determination of Rateable Value Procedure) Rules 1954(**105**) are amended as follows.

**Commencement Information**

**I308** 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**

**I309** Sch. 2 para. 5 in force at 1.6.2009, see [art. 1](#)

(104) S.I. 1952/161.

(105) 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. (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**

**I310** Sch. 2 para. 6 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I308** Sch. 2 para. 4 in force at 1.6.2009, see [art. 1](#)

**I309** Sch. 2 para. 5 in force at 1.6.2009, see [art. 1](#)

**I310** Sch. 2 para. 6 in force at 1.6.2009, see [art. 1](#)

**Government Oil Pipe-Lines Regulations 1959** **U.K.**

7. In regulation 7(1) and (2) of the Government Oil Pipe-Lines Regulations 1959(**106**) (determination of disputes) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I311** Sch. 2 para. 7 in force at 1.6.2009, see [art. 1](#)

**Opencast Coal (Fees) Regulations 1960** **U.K.**

8. In paragraph 1(a) of the Schedule to the Opencast Coal (Fees) Regulations 1960(**107**) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I312** Sch. 2 para. 8 in force at 1.6.2009, see [art. 1](#)

**Registers of Drainage Boards Regulations 1968** **U.K.**

9. In regulation 13(4) of the Registers of Drainage Boards Regulations 1968(**108**) (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”.

**(106)**S.I. 1959/715.

**(107)**S.I. 1960/194.

**(108)**S.I. 1968/1672.



**Commencement Information**

**I313** Sch. 2 para. 9 in force at 1.6.2009, see [art. 1](#)

**Pensions Increase (Judicial Pensions) Regulations 1972** **U.K.**

**10.** Omit paragraph 15 of the Schedule to the Pensions Increase (Judicial Pensions) Regulations 1972(**109**) (judicial pensions – tables of multipliers).

**Commencement Information**

**I314** Sch. 2 para. 10 in force at 1.6.2009, see [art. 1](#)

**Pensions Increase (Judicial Pensions) Regulations 1974** **U.K.**

**11.** Omit paragraph 5 of the Schedule to the Pensions Increase (Judicial Pensions) Regulations 1974(**110**) (judicial pensions to which the 1974 Act is to apply).

**Commencement Information**

**I315** Sch. 2 para. 11 in force at 1.6.2009, see [art. 1](#)

**Town and Country Planning (Compensation and Certificates) Regulations 1974** **U.K.**

**12.** The Town and Country Planning (Compensation and Certificates) Regulations 1974(**111**) are amended as follows.

**Commencement Information**

**I316** 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

**(109)** [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](#)).

**(110)** [S.I. 1974/985](#).

**(111)** [S.I. 1974/1242](#).

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

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**Commencement Information**

**I317** 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”.

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**Commencement Information**

**I318** 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”.

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**Commencement Information**

**I319** 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”.

**Commencement Information**

**I320** Sch. 2 para. 16 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I316** Sch. 2 para. 12 in force at 1.6.2009, see [art. 1](#)

**I317** Sch. 2 para. 13 in force at 1.6.2009, see [art. 1](#)

**I318** Sch. 2 para. 14 in force at 1.6.2009, see [art. 1](#)

**I319** Sch. 2 para. 15 in force at 1.6.2009, see [art. 1](#)

**I320** Sch. 2 para. 16 in force at 1.6.2009, see [art. 1](#)

**Land Charges Rules 1974** **U.K.**

**17.** In rule 10(ii) of the Land Charges Rules 1974(**112**) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I321** Sch. 2 para. 17 in force at 1.6.2009, see [art. 1](#)

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

**18.** In regulation 11 of the Internal Drainage Boards (Acquisition of New Interests and Rights) Regulations 1977(**113**), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965(**114**)—

(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**

**I322** Sch. 2 para. 18 in force at 1.6.2009, see [art. 1](#)

**Local Lands Charges Rules 1977** **U.K.**

**19.** The Local Lands Charges Rules 1977(**115**) are amended as follows.

(112) S.I. 1974/1286.

(113) S.I. 1977/84.

(114) 1965 c. 56.

(115) 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*. (See end of Document for details)

**Commencement Information**

**I323** Sch. 2 para. 19 in force at 1.6.2009, see [art. 1](#)

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

**Commencement Information**

**I324** 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**

**I325** 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**

**I326** Sch. 2 para. 22 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I323** Sch. 2 para. 19 in force at 1.6.2009, see [art. 1](#)

**I324** Sch. 2 para. 20 in force at 1.6.2009, see [art. 1](#)

**I325** Sch. 2 para. 21 in force at 1.6.2009, see [art. 1](#)

**I326** Sch. 2 para. 22 in force at 1.6.2009, see [art. 1](#)

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

**23.** In paragraph 22(4) of the Schedule to the Control of Off-Street Parking (England and Wales) Order 1978(**116**) (right to compensation in certain circumstances)—

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

**Commencement Information**

**I327** 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 **U.K.**

24. In paragraph 22(4) of the Schedule to the Control of Off-Street Parking (England and Wales) (Metropolitan Districts) Order 1986(117) (right to compensation in certain circumstances)—

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

### Commencement Information

I328 Sch. 2 para. 24 in force at 1.6.2009, see [art. 1](#)

## Stamp Duty Reserve Tax Regulations 1986 **U.K.**

25. In regulation 8 of the Stamp Duty Reserve Tax Regulations 1986(118) (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

I329 Sch. 2 para. 25 in force at 1.6.2009, see [art. 1](#)

## Court Funds Rules 1987 **U.K.**

26. The Court Funds Rules 1987(119) are amended as follows.

### Commencement Information

I330 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

I331 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”.

(117) S.I. 1986/225.

(118) 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).

(119) 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. (See end of Document for details)*

**Commencement Information**

**I332** 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”.

**Commencement Information**

**I333** Sch. 2 para. 29 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I330** Sch. 2 para. 26 in force at 1.6.2009, see [art. 1](#)

**I331** Sch. 2 para. 27 in force at 1.6.2009, see [art. 1](#)

**I332** Sch. 2 para. 28 in force at 1.6.2009, see [art. 1](#)

**I333** Sch. 2 para. 29 in force at 1.6.2009, see [art. 1](#)

**Judicial Pensions (Preservation of Benefits) Order 1988** **U.K.**

**30.** In Schedule 1 to the Judicial Pensions (Preservation of Benefits) Order 1988(**120**) (schemes) in the final paragraph omit “Member of the Lands Tribunal”.

**Commencement Information**

**I334** Sch. 2 para. 30 in force at 1.6.2009, see [art. 1](#)

**Judicial Pensions (Requisite Benefits) Order 1988** **U.K.**

**31.** In Schedule 1 to the Judicial Pensions (Requisite Benefits) Order 1988(**121**) (schemes) in the final paragraph omit “Member of the Lands Tribunal”.

**Commencement Information**

**I335** Sch. 2 para. 31 in force at 1.6.2009, see [art. 1](#)

**Valuation and Community Charge Tribunals Regulations 1989** **U.K.**

**32.** The Valuation and Community Charge Tribunals Regulations 1989(**122**) are amended as follows.

**Commencement Information**

**I336** Sch. 2 para. 32 in force at 1.6.2009, see [art. 1](#)

(120) S.I. 1988/1418.

(121) S.I. 1988/1420.

(122) 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).

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

**Commencement Information**

**I337** Sch. 2 para. 33 in force at 1.6.2009, see [art. 1](#)

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

**Commencement Information**

**I338** Sch. 2 para. 34 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I336** Sch. 2 para. 32 in force at 1.6.2009, see [art. 1](#)

**I337** Sch. 2 para. 33 in force at 1.6.2009, see [art. 1](#)

**I338** Sch. 2 para. 34 in force at 1.6.2009, see [art. 1](#)

**Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989** **U.K.**

**35.** In regulation 3 to the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989(**123**) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I339** Sch. 2 para. 35 in force at 1.6.2009, see [art. 1](#)

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

**36.** In the Schedule to the Housing (Prescribed Forms) (No.2) Regulations 1990(**124**), in Forms 13, 14, 20 and 21, in the Schedule to each form for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I340** Sch. 2 para. 36 in force at 1.6.2009, see [art. 1](#)

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

**37.** In regulation 3(4) and (5)(b) of the Non-Domestic Rating (Payment of Interest) Regulations 1990(**125**) (entitlement to interest) for “Lands Tribunal” substitute “Upper Tribunal”.

(123)S.I. 1989/1060.

(124)S.I. 1990/1730.

(125)S.I. 1990/1904.

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

**Commencement Information**

**I341** Sch. 2 para. 37 in force at 1.6.2009, see [art. 1](#)

**Civil Aviation Act 1982 (Jersey) Order 1990** **U.K.**

**38.** In paragraph 29(a)(i) of Schedule 1 to the Civil Aviation Act 1982 (Jersey) Order 1990(**126**) (extension of provisions of the Civil Aviation Act 1982 to the Bailiwick of Jersey)—

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

**Commencement Information**

**I342** Sch. 2 para. 38 in force at 1.6.2009, see [art. 1](#)

**Ancient Monuments (Claims for Compensation) (England) Regulations 1991** **U.K.**

**39.** In the Schedule to the Ancient Monuments (Claims for Compensation) (England) Regulations 1991(**127**)—

- (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**

**I343** Sch. 2 para. 39 in force at 1.6.2009, see [art. 1](#)

**Civil Aviation Act 1982 (Guernsey) Order 1992** **U.K.**

**40.** In paragraph 29(a)(i) of Schedule 1 to the Civil Aviation Act 1982 (Guernsey) Order 1992(**128**) (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**

**I344** Sch. 2 para. 40 in force at 1.6.2009, see [art. 1](#)

**(126)**[S.I. 1990/2145](#).  
**(127)**[S.I. 1991/2512](#).  
**(128)**[S.I. 1992/230](#).



## Town and Country Planning General Regulations 1992 **U.K.**

**41.** In Schedule 2 to the Town and Country Planning General Regulations 1992(**129**) 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

**I345** Sch. 2 para. 41 in force at 1.6.2009, see [art. 1](#)

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

**42.** In paragraph 4(6)(a) and (b) of Schedule 1 to the Non-Domestic Rating Contributions (England) Regulations 1992(**130**) (rules for the calculation of non-domestic rating contributions) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

**I346** Sch. 2 para. 42 in force at 1.6.2009, see [art. 1](#)

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

**43.** In regulation 30(1)(c) of the Council Tax (Alteration of Lists and Appeals) Regulations 1993(**131**) (review of decisions) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

**I347** Sch. 2 para. 43 in force at 1.6.2009, see [art. 1](#)

## Channel Tunnel (Security) Order 1994 **U.K.**

**44.** In Schedule 2 to the Channel Tunnel (Security) Order 1994(**132**) (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.

(129) [S.I. 1992/1492](#).

(130) [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](#)).

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

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

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

**Commencement Information**

**I348** Sch. 2 para. 44 in force at 1.6.2009, see [art. 1](#)

**Conservation (Natural Habitats &c.) Regulations 1994** **U.K.**

**45.** The Conservation (Natural Habitats &c.) Regulations 1994(**133**) are amended as follows.

**Commencement Information**

**I349** Sch. 2 para. 45 in force at 1.6.2009, see [art. 1](#)

[<sup>F3</sup>**46.** In regulation 16(4) (management agreements) for “Lands Tribunal” substitute “Upper Tribunal”.]

**F3** [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**

**I350** Sch. 2 para. 46 in force at 1.6.2009, see [art. 1](#)

[<sup>F4</sup>**47.** In regulation 59(3) (planning permission: supplementary provisions as to compensation) for “Lands Tribunal” substitute “Upper Tribunal”.]

**F4** [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**

**I351** Sch. 2 para. 47 in force at 1.6.2009, see [art. 1](#)

<sup>F5</sup>**48.** .....

**F5** [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>F6</sup>**49.** .....

**F6** [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>F7</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”.]

**F7** [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](#))

(133)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. (See end of Document for details)

**Commencement Information**

**I352** Sch. 2 para. 50 in force at 1.6.2009, see [art. 1](#)

[<sup>F8</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”.]

**F8** 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)

**Commencement Information**

**I353** Sch. 2 para. 51 in force at 1.6.2009, see [art. 1](#)

<sup>F9</sup>**52.** .....

**F9** 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** **U.K.**

**53.** In the Schedule to the Town and Country Planning (Minerals) Regulations 1995(**134**), in the entry for paragraph 2 in column (2), for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I354** Sch. 2 para. 53 in force at 1.6.2009, see [art. 1](#)

**Goods Vehicles (Licensing of Operators) Regulations 1995** **U.K.**

**54.** In Schedule 4 to the Goods Vehicles (Licensing of Operators) Regulations 1995(**135**) (inquiries) omit paragraph 2(5).

**Commencement Information**

**I355** Sch. 2 para. 54 in force at 1.6.2009, see [art. 1](#)

**Lands Tribunal Rules 1996** **U.K.**

**55.** The Lands Tribunal Rules 1996(**136**) are amended as follows.

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

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

(136) [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](#)).

### Commencement Information

**I356** 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.

(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(**137**).”.

### Commencement Information

**I357** 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(**138**); 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(**139**);

(ii) under section 307(1) of the Highways Act 1980(**140**); and

(iii) under regulation 96(2) of the Conservation (Natural Habitats, &c) Regulations 1994(**141**).”;

(c) omit the definitions of—

(i) “the office”; and

(ii) “the President”;

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

(**137**) 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).

(**138**) 1981 c. 66.

(**139**) 1967 c. 42.

(**140**) 1980 c. 66.

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

- (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(142) (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).

**Commencement Information**

**I358** 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**

**I359** 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**

**I360** 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**

**I361** Sch. 2 para. 60 in force at 1.6.2009, see [art. 1](#)

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

**Commencement Information**

**I362** 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**

**I363** 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**

**I364** 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(**143**) or regulation 37(1) of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005(**144**), 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

[\(143\)S.I. 2005/659.](#)

[\(144\)S.I. 2005/758.](#)

- (d) in paragraph (5) omit “Lands”.

**Commencement Information**

**I365** Sch. 2 para. 64 in force at 1.6.2009, see [art. 1](#)

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

**Commencement Information**

**I366** 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(**145**), 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(**146**), 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**

**I367** 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**

**I368** 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”;

**(145)** 1990 c. 8.

**(146)** 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. (See end of Document for details)*

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

**Commencement Information**

**I369** 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**

**I370** 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**

**I371** 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**

**I372** 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**

**I373** 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**

**I374** Sch. 2 para. 73 in force at 1.6.2009, see [art. 1](#)

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



**Commencement Information**

**I375** Sch. 2 para. 74 in force at 1.6.2009, see [art. 1](#)

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

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

**Commencement Information**

**I376** 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**

**I377** 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**

**I378** 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**

**I379** 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**

**I380** 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).

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

**Commencement Information**

**I381** 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)”.

**Commencement Information**

**I382** 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**

**I383** 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**

**I384** 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**

**I385** 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**

**I386** 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**

**I387** 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”.

**Commencement Information**

**I388** 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”.

**Commencement Information**

**I389** 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”.

**Commencement Information**

**I390** Sch. 2 para. 89 in force at 1.6.2009, see [art. 1](#)

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

## “PART 8A U.K.”

### 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.”.

#### Commencement Information

**I391** 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”.

#### Commencement Information

**I392** Sch. 2 para. 91 in force at 1.6.2009, see [art. 1](#)

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

#### Commencement Information

**I393** Sch. 2 para. 92 in force at 1.6.2009, see [art. 1](#)

#### Commencement Information

**I356** Sch. 2 para. 55 in force at 1.6.2009, see [art. 1](#)

**I357** Sch. 2 para. 56 in force at 1.6.2009, see [art. 1](#)

**I358** Sch. 2 para. 57 in force at 1.6.2009, see [art. 1](#)

**I359** Sch. 2 para. 58 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. (See end of Document for details)*

- I360** Sch. 2 para. 59 in force at 1.6.2009, see [art. 1](#)
- I361** Sch. 2 para. 60 in force at 1.6.2009, see [art. 1](#)
- I362** Sch. 2 para. 61 in force at 1.6.2009, see [art. 1](#)
- I363** Sch. 2 para. 62 in force at 1.6.2009, see [art. 1](#)
- I364** Sch. 2 para. 63 in force at 1.6.2009, see [art. 1](#)
- I365** Sch. 2 para. 64 in force at 1.6.2009, see [art. 1](#)
- I366** Sch. 2 para. 65 in force at 1.6.2009, see [art. 1](#)
- I367** Sch. 2 para. 66 in force at 1.6.2009, see [art. 1](#)
- I368** Sch. 2 para. 67 in force at 1.6.2009, see [art. 1](#)
- I369** Sch. 2 para. 68 in force at 1.6.2009, see [art. 1](#)
- I370** Sch. 2 para. 69 in force at 1.6.2009, see [art. 1](#)
- I371** Sch. 2 para. 70 in force at 1.6.2009, see [art. 1](#)
- I372** Sch. 2 para. 71 in force at 1.6.2009, see [art. 1](#)
- I373** Sch. 2 para. 72 in force at 1.6.2009, see [art. 1](#)
- I374** Sch. 2 para. 73 in force at 1.6.2009, see [art. 1](#)
- I375** Sch. 2 para. 74 in force at 1.6.2009, see [art. 1](#)
- I376** Sch. 2 para. 75 in force at 1.6.2009, see [art. 1](#)
- I377** Sch. 2 para. 76 in force at 1.6.2009, see [art. 1](#)
- I378** Sch. 2 para. 77 in force at 1.6.2009, see [art. 1](#)
- I379** Sch. 2 para. 78 in force at 1.6.2009, see [art. 1](#)
- I380** Sch. 2 para. 79 in force at 1.6.2009, see [art. 1](#)
- I381** Sch. 2 para. 80 in force at 1.6.2009, see [art. 1](#)
- I382** Sch. 2 para. 81 in force at 1.6.2009, see [art. 1](#)
- I383** Sch. 2 para. 82 in force at 1.6.2009, see [art. 1](#)
- I384** Sch. 2 para. 83 in force at 1.6.2009, see [art. 1](#)
- I385** Sch. 2 para. 84 in force at 1.6.2009, see [art. 1](#)
- I386** Sch. 2 para. 85 in force at 1.6.2009, see [art. 1](#)
- I387** Sch. 2 para. 86 in force at 1.6.2009, see [art. 1](#)
- I388** Sch. 2 para. 87 in force at 1.6.2009, see [art. 1](#)
- I389** Sch. 2 para. 88 in force at 1.6.2009, see [art. 1](#)
- I390** Sch. 2 para. 89 in force at 1.6.2009, see [art. 1](#)
- I391** Sch. 2 para. 90 in force at 1.6.2009, see [art. 1](#)
- I392** Sch. 2 para. 91 in force at 1.6.2009, see [art. 1](#)
- I393** Sch. 2 para. 92 in force at 1.6.2009, see [art. 1](#)

## Hedgerows Regulations 1997 **U.K.**

**93.** In regulation 14 of the Hedgerows Regulations 1997(**147**) (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

- I394** Sch. 2 para. 93 in force at 1.6.2009, see [art. 1](#)

## Anti-Pollution Works Regulations 1999 **U.K.**

**94.** In paragraph 6 of the Schedule to the Anti-Pollution Works Regulations 1999(**148**) (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

**I395** Sch. 2 para. 94 in force at 1.6.2009, see [art. 1](#)

## Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003 **U.K.**

**95.** In regulation 20 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003(**149**) (permission to appeal) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

**I396** Sch. 2 para. 95 in force at 1.6.2009, see [art. 1](#)

## Fur Farming (Compensation Scheme) (England) Order 2004 **U.K.**

**96.** The Fur Farming (Compensation Scheme) (England) Order 2004(**150**) is amended as follows.

### Commencement Information

**I397** 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

**I398** 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

**I399** Sch. 2 para. 98 in force at 1.6.2009, see [art. 1](#)

**(148)**[S.I. 1999/1006](#).

**(149)**[S.I. 2003/2099](#).

**(150)**[S.I. 2004/1964](#).

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

#### Commencement Information

**I397** Sch. 2 para. 96 in force at 1.6.2009, see [art. 1](#)

**I398** Sch. 2 para. 97 in force at 1.6.2009, see [art. 1](#)

**I399** Sch. 2 para. 98 in force at 1.6.2009, see [art. 1](#)

### Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 **U.K.**

**99.** In the Schedule to the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004(**151**) (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
- (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

**I400** Sch. 2 para. 99 in force at 1.6.2009, see [art. 1](#)

### Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005 **U.K.**

**100.** The Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005(**152**) are amended as follows.

#### Commencement Information

**I401** 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

**I402** 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

**I403** 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”.

(151) S.I. 2004/2595.

(152) 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. (See end of Document for details)

**Commencement Information**

**I404** 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**

**I405** 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).

**Commencement Information**

**I406** 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**

**I407** Sch. 2 para. 106 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

- I401** Sch. 2 para. 100 in force at 1.6.2009, see [art. 1](#)
- I402** Sch. 2 para. 101 in force at 1.6.2009, see [art. 1](#)
- I403** Sch. 2 para. 102 in force at 1.6.2009, see [art. 1](#)
- I404** Sch. 2 para. 103 in force at 1.6.2009, see [art. 1](#)
- I405** Sch. 2 para. 104 in force at 1.6.2009, see [art. 1](#)
- I406** Sch. 2 para. 105 in force at 1.6.2009, see [art. 1](#)
- I407** Sch. 2 para. 106 in force at 1.6.2009, see [art. 1](#)

**Public Contracts Regulations 2006** **U.K.**

<sup>F10</sup>**107.** . . . . .

**F10** 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 **U.K.**

**108.** The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006(**153**) are amended as follows.

### Commencement Information

**I408** 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

**I409** 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”.

### Commencement Information

**I410** 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

**I411** Sch. 2 para. 111 in force at 1.6.2009, see [art. 1](#)

### Commencement Information

**I408** Sch. 2 para. 108 in force at 1.6.2009, see [art. 1](#)

**I409** Sch. 2 para. 109 in force at 1.6.2009, see [art. 1](#)

**I410** Sch. 2 para. 110 in force at 1.6.2009, see [art. 1](#)

**I411** Sch. 2 para. 111 in force at 1.6.2009, see [art. 1](#)

## Residential Property Tribunal Procedure (England) Regulations 2006 **U.K.**

**112.** In regulation 35(1), (2) and (6) of the Residential Property Tribunal Procedure (England) Regulations 2006(**154**) for “Lands Tribunal” substitute “Upper Tribunal”.

### Commencement Information

**I412** Sch. 2 para. 112 in force at 1.6.2009, see [art. 1](#)

(153)S.I. 2006/373.

(154)S.I. 2006/831.

## Contaminated Land (England) Regulations 2006 **U.K.**

**113.** In Schedule 2 to the Contaminated Land (England) Regulations 2006(**155**) (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

**I413** Sch. 2 para. 113 in force at 1.6.2009, see [art. 1](#)

## Transport and Works (Model Clauses for Railways and Tramways) Order 2006 **U.K.**

**114.** The Transport and Works (Model Clauses for Railways and Tramways) Order 2006(**156**) is amended as follows.

### Commencement Information

**I414** 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

**I415** 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

**I416** Sch. 2 para. 116 in force at 1.6.2009, see [art. 1](#)

(155) S.I. 2006/1380.

(156) S.I. 2006/1954.

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

**Commencement Information**

**I414** Sch. 2 para. 114 in force at 1.6.2009, see [art. 1](#)

**I415** Sch. 2 para. 115 in force at 1.6.2009, see [art. 1](#)

**I416** Sch. 2 para. 116 in force at 1.6.2009, see [art. 1](#)

**Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006** **U.K.**

**117.** In paragraph 9 of Schedule 4 to the Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006(**157**) (review of decisions and consents) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

**I417** Sch. 2 para. 117 in force at 1.6.2009, see [art. 1](#)

**National Assembly for Wales (Disqualification) Order 2006** **U.K.**

**118.** In Part 1 of the Schedule to the National Assembly for Wales (Disqualification) Order 2006(**158**) (bodies of which all members are disqualified) omit the entry for the Lands Tribunal.

**Commencement Information**

**I418** 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** **U.K.**

**119.** In regulation 3(b) of the Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007(**159**) (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**

**I419** Sch. 2 para. 119 in force at 1.6.2009, see [art. 1](#)

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

**120.** In regulation 2(b) of the Administration Charges (Summary of Rights and Obligations) (England) Regulations 2007(**160**) (form and content of summary of rights and obligations), in paragraph (7) of the statement for “Lands Tribunal” substitute “Upper Tribunal”.

(157)S.I. 2006/2522.

(158)S.I. 2006/3335.

(159)S.I. 2007/1257.

(160)S.I. 2007/1258.

**Commencement Information**

**I420** Sch. 2 para. 120 in force at 1.6.2009, see [art. 1](#)

**Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007** **U.K.**

<sup>F11</sup>**121.** . . . . .

**F11** 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** **U.K.**

**122.** The Environmental Permitting (England and Wales) Regulations 2007(**161**) are amended as follows.

**Commencement Information**

**I421** 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**

**I422** 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**

**I423** Sch. 2 para. 124 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. (See end of Document for details)

**Commencement Information**

- I421** Sch. 2 para. 122 in force at 1.6.2009, see [art. 1](#)
- I422** Sch. 2 para. 123 in force at 1.6.2009, see [art. 1](#)
- I423** Sch. 2 para. 124 in force at 1.6.2009, see [art. 1](#)

**London Gateway Port Harbour Empowerment Order 2008** **U.K.**

**125.** In article 2(1) of the London Gateway Port Harbour Empowerment Order 2008(**162**) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

- I424** Sch. 2 para. 125 in force at 1.6.2009, see [art. 1](#)

**Judicial Appointments Order 2008** **U.K.**

**126.** In Part 1 of Schedule 1 to the Judicial Appointments Order 2008(**163**) (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(**164**)”

**Commencement Information**

- I425** Sch. 2 para. 126 in force at 1.6.2009, see [art. 1](#)

SCHEDULE 3 **U.K.**

Article 5(1) and (4)

Consequential amendments to Church of England measures

**Pastoral Measure 1983** **U.K.**

**1.** In section 62(3) of the Pastoral Measure 1983(**165**) (power to impose and enforce covenants) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

- I426** Sch. 3 para. 1 in force at 1.6.2009, see [art. 1](#)

(162) S.I. 2008/1261.

(163) S.I. 2008/2995.

(164) S.I. 2008/609.

(165) 1983 No.1. Subsection (3) was inserted by section 8 of the Pastoral (Amendment) Measure 1994 (1994 No.1).

**Care of Churches and Ecclesiastical Jurisdiction Measure 1991** U.K.

2. In section 22(7) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991(166) (power of bishop to remove legal effects of consecration) for “Lands Tribunal” substitute “Upper Tribunal”.

**Commencement Information**

I427 Sch. 3 para. 2 in force at 1.6.2009, see [art. 1](#)

## SCHEDULE 4 U.K.

Article 5(5)

## Repeals and revocations

**Commencement Information**

I428 Sch. 4 in force at 1.6.2009, see [art. 1](#)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Enactment repealed or revoked</i>	<i>Reference</i>	<i>Extent of repeal or revocation</i>
Conveyancing and Feudal Reform (Scotland) Act 1970	<a href="#">1970 c.35</a>	section 50(1)
Local Government, Planning and Land Act 1980	<a href="#">1980 c.65</a>	paragraph 3 of Schedule 33
Courts and Legal Services Act 1990	<a href="#">1990 c.41</a>	paragraph 7 of Schedule 10
Arbitration Act 1996	<a href="#">1996 c.23</a>	paragraph 6 of Schedule 3
Scotland Act 1998	<a href="#">1998 c.46</a>	paragraph 9(a) of Schedule 8
Constitutional Reform Act 2005	<a href="#">2005 c.4</a>	paragraph 34 of Part 1 of Schedule 4 and the entry relating to the Lands Tribunal Act 1949 in paragraph 6(3) of part 3 of Schedule 11
Tribunals, Courts and Enforcement Act 2007	<a href="#">2007 c.15</a>	paragraph 5 of Schedule 10
Pensions Increase (Judicial Pensions) (Amendment) Regulations 1973	<a href="#">S.I. 1973/495</a>	paragraph 10 of the Schedule
Pensions Increase (Judicial Pensions) (Amendment) Regulations 1974	<a href="#">S.I. 1974/984</a>	paragraph 10 of the Schedule
Lands Tribunal (Fees) Rules 1996	<a href="#">S.I. 1996/1021</a>	the whole Rules
Planning and Compensation Act 1991 (Amendment of Schedule 18) Order 1999	<a href="#">S.I. 1999/648</a>	article 2(3)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Enactment repealed or revoked</i>	<i>Reference</i>	<i>Extent of repeal or revocation</i>
Civil Procedure (Modification of Enactments) Order 2000	<a href="#">S.I. 2000/941</a>	the whole Order
Contracting Out of Functions (Tribunal Staff) Order 2001	<a href="#">S.I. 2001/3539</a>	the whole Order
Lands Tribunal (Fees) (Amendment) Rules 2002	<a href="#">S.I. 2002/770</a>	the whole Rules
Lord Chancellor (Transfer of Functions and Supplementary Provisions) Order 2006	<a href="#">S.I. 2006/680</a>	paragraph 54 of Schedule 1

SCHEDULE 5 **U.K.**

Article 5(6)

## Transitional and saving provisions

**Transitional and saving provisions** **U.K.**

1. Any proceedings before the Lands Tribunal which are pending immediately before 1st June 2009 shall continue on and after 1st June 2009 as proceedings before the Upper Tribunal.

**Commencement Information**

**I429** Sch. 5 para. 1 in force at 1.6.2009, see [art. 1](#)

2.—(1) The following sub-paragraphs apply where proceedings are continued in the Upper Tribunal by virtue of paragraph 1.

(2) Where a hearing began before 1st June 2009 but was not completed by that date, the Upper Tribunal must be comprised for the continuation of that hearing of the person or persons who began it.

(3) The Upper Tribunal may give any direction to ensure that proceedings are dealt with fairly and, in particular, may—

- (a) apply any provision in procedural rules which applied to the proceedings before 1st June 2009; or
- (b) disapply provisions of Tribunal Procedure Rules.

(4) In sub-paragraph (3) “procedural rules” means provision (whether called rules or not) regulating practice or procedure before a tribunal.

(5) Any direction or order given or made in proceedings which is in force immediately before 1st June 2009 remains in force on and after that date as if it were a direction or order of the Upper Tribunal.

(6) A time period which has started to run before 1st June 2009 and which has not expired shall continue to apply.

(7) An order for costs may only be made if, and to the extent that, an order could have been made before 1st June 2009.



**Commencement Information**

**I430** Sch. 5 para. 2 in force at 1.6.2009, see [art. 1](#)

**3.** Where an appeal lies to a court from any decision made by the Lands Tribunal before 1st June 2009, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired prior to 1st June 2009, section 13 of the Tribunals, Courts and Enforcement Act 2007(**167**) (right to appeal to Court of Appeal etc.) shall apply as if the decision were a decision made on or after 1st June 2009 by the Upper Tribunal, and any reference to the Lands Tribunal in legislation relating to such an appeal, express or otherwise, is to be taken as a reference to the Upper Tribunal.

**Commencement Information**

**I431** Sch. 5 para. 3 in force at 1.6.2009, see [art. 1](#)

**4.** Any case to be remitted by a court on or after 1st June 2009 and which, if it had been remitted before 1st June 2009 would have been remitted to the Lands Tribunal, shall be remitted to the Upper Tribunal.

**Commencement Information**

**I432** Sch. 5 para. 4 in force at 1.6.2009, see [art. 1](#)

**5.** Staff appointed to the Lands Tribunal before 1st June 2009 are to be treated on and after that date, for the purpose of any enactment, as if they had been appointed by the Lord Chancellor under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 (tribunal staff and services).

**Commencement Information**

**I433** Sch. 5 para. 5 in force at 1.6.2009, see [art. 1](#)

**6.** A decision made by the Lands Tribunal before 1st June 2009 is to be treated as a decision of the Upper Tribunal on or after 1st June 2009.

**Commencement Information**

**I434** Sch. 5 para. 6 in force at 1.6.2009, see [art. 1](#)

**Commencement Information**

**I429** Sch. 5 para. 1 in force at 1.6.2009, see [art. 1](#)

**I430** Sch. 5 para. 2 in force at 1.6.2009, see [art. 1](#)

**I431** Sch. 5 para. 3 in force at 1.6.2009, see [art. 1](#)

**I432** Sch. 5 para. 4 in force at 1.6.2009, see [art. 1](#)

**I433** Sch. 5 para. 5 in force at 1.6.2009, see [art. 1](#)

**I434** Sch. 5 para. 6 in force at 1.6.2009, see [art. 1](#)

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is made under the [Tribunals, Courts and Enforcement Act 2007](#) (“the 2007 Act”). Part 1 of the 2007 Act creates a new two tier tribunal structure; the First-tier Tribunal and the Upper Tribunal (“the new tribunals”) are established under section 3 of the 2007 Act. Order making powers are provided under Part 1 of the 2007 Act to enable the functions of existing tribunals to be transferred into the new structure. This Order transfers the functions of the Lands Tribunal to the Upper Tribunal, and in addition contains various minor, consequential and transitional provisions, as explained below.

### **Transfer of functions of tribunals** **U.K.**

Article 2 transfers the functions of the Lands Tribunal to the Upper Tribunal and abolishes the Lands Tribunal.

### **Transfer of members of tribunals** **U.K.**

Article 3 provides for members of the Lands Tribunal to hold the offices of transferred-in judge or transferred-in other member of the Upper Tribunal.

### **Transfer of Rules** **U.K.**

Article 4 provides that the current procedural rules for the Lands Tribunal, the Lands Tribunal Rules 1996, become Tribunal Procedure Rules.

### **Consequential provisions** **U.K.**

Article 5(1) to (5) brings Schedules 1 to 4 into effect. Schedule 1 contains consequential amendments to primary legislation, Schedule 2 contains consequential amendments to secondary legislation, Schedule 3 contains consequential amendments to Church of England Measures, and Schedule 4 contains consequential repeals and revocations of legislation. The vast majority of these amendments, repeals and revocations are made in consequence of the transfer of the functions of the Lands Tribunal to the Upper Tribunal.

In addition, various amendments to legislation are made which do not relate to the transfer of the Lands Tribunal. These are as follows:

Paragraph 161 of Schedule 1 amends the Mental Health Act 1983 in order to ensure that a patient who withdraws their appeal to the First-tier Tribunal can remake that appeal. This amendment relates to the transfer of the functions of Mental Health Review Tribunals in England to the First-tier Tribunal, which was effected by the Transfer of Tribunal Functions Order 2008.

Paragraph 162 of Schedule 1 amends the same Act to allow members of the First-tier Tribunal who may hear mental health cases to sit in the Mental Health Review Tribunal for Wales. This preserves the position under paragraph 5 of Schedule 2 to the 1993 Act before the abolition of the Mental Health Review Tribunal for England and the transfer of its members to the First-tier Tribunal and Upper Tribunal under the Transfer of Tribunal Functions Order 2008.

Paragraph 226 of Schedule 1 amends the Child Support Act 1991 to correct an error in the Transfer of Tribunal Functions Order 2008, by transferring functions which were incorrectly transferred from

the Lord Chancellor to the First Minister and deputy First Minister of Northern Ireland back to the Lord Chancellor.

Paragraph 245 of Schedule 1 amends the Tribunals and Inquiries Act 1992 to remove a reference to the VAT and Duties Tribunal, which was abolished by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009.

Paragraph 288 of Schedule 1 amends the Criminal Justice and Immigration Act 2008 to remove a reference to rules made under the Immigration and Asylum Act 1999, which rules were revoked by the Transfer of Tribunal Functions Order 2008.

Paragraph 54 of Schedule 2 removes a reference to the Council on Tribunals which was abolished under section 45 of the 2007 Act.

Paragraph 121(a), (b) and (d) to (f) of Schedule 2 amends the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007 in order to remove references to tax tribunals which were abolished by the 2007 Act and the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009.

Paragraph 126 of Schedule 2 amends the Judicial Appointments Order 2008 by adding to the list of offices for which Fellows of the Institute of Legal Executives hold a relevant qualification for the purposes of the judicial-appointment eligibility condition in section 50 of the Tribunals, Courts and Enforcement Act 2007. The office that is added is that of adjudicator appointed under regulation 9 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008. Section 81(2)(a) of the Traffic Management Act 2004 provides that a person must satisfy the judicial-appointment eligibility condition on a 5-year basis to qualify for appointment as an adjudicator.

### **Transitional and saving provisions** **U.K.**

Article 5(6) brings Schedule 5 into effect. Schedule 5 makes transitional and saving provisions for the treatment of cases which would previously have been dealt with by the Lands Tribunal, and onward appeals from that Tribunal, following the coming into force of this Order.

The Schedule provides for proceedings which have been started in the Lands Tribunal to be transferred to the Upper Tribunal; new proceedings will be started in the Upper Tribunal. In transferred cases the following provisions apply:

- a hearing which has already been commenced but not completed will need to be completed in the Upper Tribunal but comprised of the same members;
- directions and orders made prior to this Order coming into force will continue in force as if they were directions or orders of the Upper Tribunal;
- the Lands Tribunal Rules 2006 are amended and become Tribunal Procedure Rules by virtue of article 4 and Schedule 2. The amended rules will apply to all cases from 1st June 2009, but the Upper Tribunal will be able to disapply amendments to the rules or apply the unamended rules (including provisions in primary legislation) as they applied to the Lands Tribunal, to ensure that proceedings are dealt with fairly;
- time limits which begin to run before this Order comes into force continue to apply after the Order comes into force; and
- the Upper Tribunal will only be able to make a costs order if and to the extent that the Lands Tribunal could have made such an order.
- Appeals against the decisions of the Lands Tribunals, if the appeal right has not been exercised before this Order comes into force and the time for doing so has not expired, are to be treated as appeals against the decisions of the Upper Tribunal.

A Regulatory Impact Assessment was prepared for the [Tribunals, Courts and Enforcement Act 2007](#). This can be found at:

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

<http://www.justice.gov.uk/publications/tribunalscourtsandenforcementact.htm>

**Changes to legislation:**

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