

SCHEDULE 5

Article 5(6)

Transitional and saving provisions

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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.

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.

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⁽¹⁾ (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.

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.

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).

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.

(1) 2007 c. 15.