The Lands Chamber is based at **45 Bedford Square, London, WC1B 3DN**

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DX: 149065 Bloomsbury 9  
Email: lands@tribunals.gsi.gov.uk

Please contact us if you are unable to find the information you require in this or the other documents on our website. Our administrative staff can answer questions about the procedures relating to Tribunal cases. They are **not trained or permitted to give general legal advice or to advise about the law relating to a particular case.**

**Website:** [www.landstribunal.gov.uk](http://www.landstribunal.gov.uk)

On our website you will find information to help you with your case. If you do not have access to the internet you can request a copy of any of the documents from our office. Free assistance in gaining access to the internet may be offered by your local library.

You will need to follow our Rules, Practice Directions and Practice Statements. Our procedural flowcharts show the steps in the different procedures that may apply depending on the type and complexity of your case. Also available on the website are our recently published decisions and the form you will need to make or respond to an appeal, reference or application.

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The Lands Chamber deals with certain matters in respect of land in England and Wales. The equivalent bodies for Scotland and Northern Ireland are:

<table>
<thead>
<tr>
<th>The Lands Tribunal for Scotland</th>
<th>The Lands Tribunal for Northern Ireland</th>
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<tbody>
<tr>
<td>George House</td>
<td>Royal Courts of Justice</td>
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<tr>
<td>126 George Street</td>
<td>Chichester Street</td>
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<tr>
<td>Edinburgh EH2 4HH</td>
<td>Belfast BT1 3JJ</td>
</tr>
<tr>
<td>DX ED 259</td>
<td>Tel: 02890 327703</td>
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<tr>
<td>LP 14 Edinburgh 2</td>
<td>Fax: 02890 546187</td>
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<tr>
<td>Tel: 0131 271 4350</td>
<td>Email: <a href="mailto:lands.tribunal@dfpni.gov.uk">lands.tribunal@dfpni.gov.uk</a></td>
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<td>Fax: 0131 271 4399</td>
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<td>Email: <a href="mailto:mailbox@lands-tribunal-scotland.org.uk">mailbox@lands-tribunal-scotland.org.uk</a></td>
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</tbody>
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LIST OF ACTS AND STATUTORY INSTRUMENTS

Some of the most important Acts and Statutory Instruments that apply to the Lands Chamber or its cases. ¹

Acts:
Arbitration Act 1996
Commonhold and Leasehold Reform Act 2002
Compulsory Purchase Act 1965
Finance Act 2003
Lands Tribunal Act 1949
Law of Property Act 1925
Leasehold Reform Act 1967
Leasehold Reform, Housing and Urban Development Act 1993
Local Government Finance Act 1988 (Rating)
Rights of Light Act 1959
Town and Country Planning Act 1990
Tribunals, Courts and Enforcement Act 2007

Statutory Instruments:
The Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010 (SI 2010 No. 2600 (L. 15))
Local Land Charges Rules 1977
The Upper Tribunal (Lands Chamber) Fees (Amendment) Order 2010 (SI 2010 No. 2601)
The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (SI 2009 No. 1307)
Town and Country Planning (Compensation and Certificates) Regulations 1974 (SI 1974 No. 1242)

A copy of our Rules and the Fees Order may be viewed online or downloaded from our website at http://www.landstribunal.gov.uk/RulesLegislation/index.htm. Statutes and statutory instruments may be viewed online or downloaded from the National Archives at: http://www.legislation.gov.uk/ (all legislation from 1988 onwards and most pre-1988 primary legislation); purchased from TSO at www.tsoshop.co.uk; or viewed in Halsbury’s Statutes or Statutory Instruments (found in law libraries).

¹ For a more extensive list see the Transfer of Tribunal Functions (Lands Chamber and Miscellaneous Amendments) Order 2009 (SI 2009 No. 1307). It may be viewed online at: http://www.legislation.gov.uk/uksi/2009/1307/contents/made
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1. GLOSSARY OF TERMS

**Acquiring Authority:** a local council, government department, or other organisation against whom a claim for compensation has been made for the compulsory acquisition of land by that authority

**Alternative dispute resolution (ADR):** ways of resolving or settling a dispute outside the court or tribunal process. ADR includes mediation, adjudication, arbitration, conciliation, early neutral evaluation and ombudsman schemes

**Act:** law in the form of an Act of Parliament, which is a statute passed by both Houses of Parliament and ratified by Royal Assent

**Advocate:** a person who represents a party in a hearing before the Tribunal. This may be a barrister, also known as counsel, or a solicitor. A party may be represented by a lay representative (someone without legal qualifications) or, under the simplified procedure, by their expert witness, often a chartered surveyor

**Appellant:** a person who appeals, either by having a right of appeal, or by being given permission to appeal

**Applicant:** a person who--
- applies for permission to appeal
- applies for a certificate under the Rights of Light Act 1959
- makes an interlocutory application (see below)
- applies to the Tribunal to discharge (remove) or modify (change) a restrictive covenant

**Case-management review:** a hearing in which the parties appear before the Tribunal or Registrar, to be given directions for the preparation or management of the case. There is always a case-management review under the special procedure and there may be one under the general procedure

**Claimant:** a person who makes a claim in a notice of reference, usually for compensation against an authority, following the exercise of statutory powers by that authority

**Compensating Authority:** a local council, government department or other organisation against whom a claim for compensation has been made for reasons other than the compulsory acquisition of land

**Counsel:** a barrister

**Court of Appeal:** the civil division of the Court of Appeal, which hears appeals on points of law from final determinations of the Tribunal. Permission to appeal is required
**Determination:** a decision made by a Tribunal judge or member. The final determination is the decision made after the final hearing or, under the written representations procedure, the final decision about the case, other than in relation to costs (costs decisions are often made after the final determination).

**Disclosure of documents** (sometimes called ‘discovery’): the exchange by the parties of a list of all written evidence and relevant information concerning the case that is, or has been, in their control. If inspection would be proportionate given the nature of the case, disclosure is usually followed by each side allowing the other side to inspect any of those documents that is not exempted because of ‘legal professional privilege’.

There are two forms of legal professional privilege:

- **Legal Advice Privilege:** this protects confidential communications between lawyers and their clients for the purposes of giving or obtaining legal advice.
- **Litigation Privilege:** this protects confidential communications between lawyers, clients and third parties made for the purposes of litigation, either actual or contemplated.

**File and serve:** this means sending or delivering a document to the Tribunal and at the same time providing a copy of the same document to the other party or parties.

**HMO:** House in multiple occupation, as defined under the Housing Act 2004.

**Interlocutory application:** an application made by a party in the course of proceedings before the final determination of the case, such as an application for an extension of time or for permission to call more than 1 expert witness.

**Jurisdiction:** the types of cases over which a court or tribunal has legal authority.

**Legal precedents:** previous judicial decisions which have been reported and which lay down principles of law relevant to similar points arising in later cases.

**Legislation:** primary legislation such as an Act of Parliament and secondary or delegated legislation, law issued under the authority of an Act of Parliament such as statutory instruments (also known as regulations and orders).

**Litigant:** any party in legal proceedings.

**Mediation:** is a way of resolving or narrowing disputes by agreement. It is voluntary and works outside the court or tribunal process. An independent person (the mediator) helps the parties look for a solution they both find acceptable. Together the mediator and parties develop and explore options for settling the dispute.

**Member:** one of the specialist chartered surveyors appointed to hear Lands Chamber cases.

**Objector:** a person who files a notice of objection to an application for the modification or discharge of a restrictive covenant.
**Originating applicant:** a person who makes an application to the Tribunal for the modification or discharge of a restrictive covenant (often simply referred to as the applicant)

**Preliminary issue:** an issue ordered to be heard by the Tribunal in advance of the main issue because the decision may end all or part of the case

**Registrar:** a legally-qualified officer of the Tribunal exercising certain judicial powers and functions in relation to case management and detailed costs assessments

**Remission (of a fee):** being permitted not to pay all or part of a fee because of financial hardship. This might also be called being given a waiver of a fee

**Respondent:** a person who files a respondent’s notice in order to participate in an appeal. In the case of appeals from VTs the person must have been present or represented at the hearing before the VT or, if the proceedings were decided without a hearing, a person who make representations in writing to the VT

**Skeleton argument**
A skeleton argument contains the main points that you want to argue. It enables the Tribunal to understand your case before the hearing

**Statement of case:** a statement setting out the basis of a party’s case. The purpose of statements of case is to enable the issues to be determined by the Tribunal to be identified. Each statement of case must therefore set out the basis of fact and of law on which the party relies. It must be in summary form but contain sufficient information or details to tell the Tribunal and the other party what the case is that you are putting forward

**Stay of proceedings:** an order made by the Tribunal in a case suspending (creating a pause or break in) that case for a specified period of time

**Statute:** an Act of Parliament

**Statutory instrument:** law in the form of regulations and orders, also known as secondary or delegated legislation. Statutory instruments are made under an Act of Parliament by delegated authority (usually by a government minister) and give detailed effect to the provisions of Acts

**Statutory powers:** legal powers derived from legislation
2. Introduction

2.1. What is the Lands Chamber?

We are a specialist tribunal established in 1949 (as the Lands Tribunal) to resolve certain disputes concerning land, particularly the valuation of land. We have power to hear cases under many different Acts of Parliament and statutory instruments. Our main functions are:

- To hear appeals from Valuation Tribunals, Leasehold Valuation Tribunals and Residential Property Tribunals;
- To decide disputed compensation in compulsory purchase and certain other types of land compensation cases; and
- To decide applications to discharge or modify restrictions on the use of land.

In June 2009 we joined the new two-tier tribunal system established by the Tribunals, Courts and Enforcement Act 2007 and became the Lands Chamber of the Upper Tribunal. Our functions have not changed. In November 2010 a new set of rules, The Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, came in to operation. At the same time new Practice Directions and Practice Statements also came into force. The Practice Directions and Statements provide additional guidance on some important aspects of a case such as statements of case and expert evidence.

This leaflet provides basic information. It is not a substitute for professional advice. As well as considering any statute and statutory instrument relevant to your case, you need to look at our Rules, Fees Order, Practice Directions and Practice Statements. You can view these documents on our website at: http://www.landstribunal.gov.uk/RulesLegislation/index.htm. Free assistance in gaining access to the internet may be offered by your local library.

The Tribunal has a Chamber President, George Bartlett QC, who is the judicial head of the Chamber; five part-time judges; three specialist members, who are chartered surveyors; and two registrars, who have certain case management and decision making powers. The names of the judges, members and registrars are shown on our website at: http://www.landstribunal.gov.uk/AboutUs/index.htm.

The administrative staff that supports the Tribunal is part of the Tribunals Service and is the responsibility of the Tribunal Manager.

The Tribunal office and permanent courtrooms are in London but hearings can be arranged anywhere in England or Wales subject to availability of courtrooms. There are separate Lands Tribunals for Scotland and for Northern Ireland (see page 2).

2.2. What cases does the Tribunal deal with?

- Rating appeals. Appeals against decisions of Valuation Tribunals concerning the rateable values or rateability of commercial, industrial and other non-domestic properties.
- Compulsory purchase. Disputed valuations of compulsorily purchased land or properties.
Land compensation. Claims for compensation for loss of value arising from public works, such as noise nuisance from new roads, or from coal mining subsidence.

Restrictive covenants. Applications to discharge or modify restrictive covenants on land.

Appeals from Leasehold Valuation Tribunals. Appeals against decisions concerning the price payable for enfranchisement (the purchase of the freehold by residential tenants), the renewal of leases, service charges, the management of leasehold property and other matters.

Appeals from Residential Property Tribunals. Appeals against decisions concerning emergency action taken by local housing authorities; demolition orders or declarations of a clearance area; homes in multiple occupancy and other house licences; and additional matters such as prohibition, improvement or overcrowding notices and management orders.

Applications for a certificate to support an application to register a light obstruction notice under the Rights of Light Act 1959.

The Tribunal has power to deal with many other matters, the most common of which are set out below at paragraph 7.

2.3. How are cases begun?

To make a reference or application or to appeal to the Tribunal you need to send or deliver a notice to the Registrar giving all the information that is required by our Rules. You need to enclose certain documents and pay a fee. Each type of case has a particular form that you should use. An electronic copy of the form may be downloaded from our website. If you don't have access to the internet, you can ask the Tribunal office to send you a copy. We need to receive your notice, documents and fee within any time limit that applies for your type of case.

Each form requires a description of the land or premises in question and the names and addresses of all the parties and of their representatives, if known. Strict time limits apply for appeals to the Lands Chamber and permission to appeal is required for appeals from leasehold valuation tribunals and residential property tribunals. It is important to comply with our Rules and Practice Directions. If, for example, you need to make an application at any stage of the proceedings, you will need to comply with rule 6. You will usually need to provide a statement of your case to the Tribunal, and there is a Practice Direction that relates to statements of case.

2.4. What fees and costs will I have to pay?

The Lands Chamber is required to charge certain fees. The fees vary according to the type and size of case. The fees include a filing fee for beginning a new case, appeal or application and a hearing fee. Certain other fees will be charged during the proceedings. For example you will need to pay a fee if you make an application for an extension of time for complying with any of the Tribunal’s directions. The Tribunal fees must be paid in all cases including those assigned to the simplified or written representations procedure. Further information is given below and the Fees Order with its schedule of fees may be viewed on our website. Please note that cheques should be made payable to the ‘Tribunals Service’ (not the Lands Chamber).
We are able to waive or reduce fees in exceptional circumstances where payment of a fee would involve undue financial hardship. You will need to complete a form and provide information on your income and expenses. See our website for the form and more information.

In most cases the Tribunal has power to order one party to pay the **legal costs** and fees incurred in the case by another party. The circumstances and principles on which costs orders are made differ depending on the type of case. For more information see our Practice Directions and the section for your type of case in this leaflet. The simplified or written representations procedure may be followed in small or simple cases, and then costs are not usually awarded. Note that all the usual Tribunal fees, such as the hearing fee, are still payable.

Civil legal aid funding is not usually available for Lands Chamber cases. For further information see the Legal Services Commission website at [http://www.legalservices.gov.uk/civil.asp](http://www.legalservices.gov.uk/civil.asp) or call 0845 345 4345. Any solicitor who deals with Community Legal Service funding cases should also be able to provide further information.

2.5. **Will there be a hearing in court?**

If you wish to settle the dispute without a hearing you should hold discussions with the other party and you may wish to try mediation or another method of alternative dispute resolution. If the parties do not settle the case by agreement a hearing in court will usually take place. At the hearing each party puts forward their arguments and their evidence, usually under oath, and each witness may be cross-examined by the opposing side. Under the Rules almost all hearings must be open to the public. If the simplified procedure (see paragraph 2.11 below) is followed, the hearing will be informal. If both parties agree (or if an application or claim is unopposed), and the Tribunal considers it appropriate, a case may be decided without a hearing (see the written representation procedure below).

2.6. **How long will it all take?**

That depends on the nature of the case. The Tribunal is able to decide a case most quickly if the dispute is relatively simple or straightforward. Also the parties must have prepared and filed all the relevant documents promptly and be able to attend a hearing at an early date. In most cases, especially if they are large, complex or have many parties, the parties require many months to get the case ready for hearing.

The Tribunal seeks to settle cases as quickly as possible taking into account the needs and wishes of the parties and the availability of court rooms. The **minimum** period for an absent owner reference or a rights of light application is 3 months. For most other cases the minimum period required is 6 to 12 months.

If you are ready to proceed to hearing you may apply to the Tribunal for the earliest available hearing date. Hearings can usually be fixed most quickly at the Tribunal’s own courts in London.

2.7. **How can I avoid delays?**

There are certain steps you should take as a matter of routine to avoid causing delays in your case.

1. Always **quote the case number** on all letters and other communications with the Tribunal;
2. Always send a copy of any document, letter or other communication you send to the Tribunal to the other party or parties, (if they are represented you must send the copy to their representative instead); and

3. If you need to make an application during the course of proceedings (also known as an interlocutory application), such as an application for permission to call a second expert witness, or for a stay of proceedings (a temporary pause in the proceedings) it needs to be in writing. You will need to enclose the £100 fee. All cheques are payable to the ‘Tribunal Service’, (not the Lands Chamber). And you must:
   • first write or speak to the other party (or, if they are represented, to their solicitor or other representative,) to see if they will agree to the application;
   • if the other party agrees to your application, ask for and send a copy of a letter from them saying they agree to the Tribunal (or ask them to send their letter of consent to the Tribunal);
   • if the other party does not agree to your application:
     i. send them a copy of the application,
     ii. tell them that if they wish to object, you and the Tribunal must receive a written objection within 10 days of the date you sent them the application, and
     iii. in your application letter tell the Tribunal that you have sent a copy of the application to the other party and informed them about how to object.

2.8. Do I need to instruct lawyers and expert witnesses?

You may conduct your own case and appear on your own behalf at the hearing. However, as the law and facts may be complex, it may be better or even necessary to have professional representation in order to properly present your case. When solicitors are instructed to act, the Tribunal, like all other courts, corresponds directly with the solicitors rather than with the party they represent. Given the nature of our cases, very often surveyors and or other professionals need to be engaged to appear as expert witnesses. Except in small or simple cases the Tribunal considers that experts should not act both as advocate and as expert witness.

If you intend to call an expert to give evidence in your case, you will have to file and serve an expert report and its supporting documents. These will be prepared by the expert. The experts for each party must meet before and after they file their reports to see if they can agree on part or all of the issues in dispute. The requirements are described at paragraph 10 below and the section on expert evidence in the Practice Directions should be consulted. For more information on expert evidence please see our Rules.

2.9. Will there be a site inspection?

When necessary the Tribunal will view the land or building in question and may also view other comparable sites. This may be before or after the hearing. Notice is given to the parties who are entitled to be represented at the inspection. For an inspection inside any building and for entry on any land the permission of the owner and occupier of the land and any building is required. An inspection will not
usually take place if the owner or occupier does not consent to the other party or their representative attending the inspection.

At an inspection neither party may make submissions or arguments about the case. However the parties may point out any features of the land or building that they wish to draw the Tribunal’s attention to.

2.10. I wish to settle my case without a hearing, what should I do?
If there is a time limit on starting your case in the Tribunal, you should get the case started by sending the appropriate form, documents and fees to the Tribunal. Then, if you are willing to try to settle your dispute without a Tribunal hearing and the other party agrees, the Tribunal will allow a short stay (break) in the Tribunal proceedings while you try to settle your case. You may wish to try mediation or another voluntary form of dispute resolution.

What is ADR?
There are a number of less formal and usually quicker and less expensive services for resolving disputes than the courts and tribunals. These other options are known as alternative dispute resolution (ADR) because they offer an alternative to the courts and tribunals. ADR includes mediation, adjudication, arbitration, conciliation, early neutral evaluation and ombudsman schemes. For more information about ADR you can visit the website of an independent charity that offers an overview of ADR schemes in the UK: http://www.adrn.org.uk/. Free assistance in gaining access to the internet may be offered by your local library.

What is mediation?
Mediation is a way of resolving or narrowing disputes by agreement. It is voluntary and works outside the court or tribunal process. An independent person (the mediator) helps the parties look for a solution they both find acceptable. Together the mediator and parties develop and explore options for settling the dispute. Mediation is simple, quick and less expensive than legal proceedings. It has a high success rate and parties tend to be satisfied with it. The Court of Appeal has strongly encouraged parties to try mediation. More information about mediation is provided in the Frequently Asked Questions section at the end of this document.

Timing can be very important to the success of mediation; you need to understand the other party’s case, but not be so far down the path to litigation that you feel committed to continue the legal proceedings. By promoting early settlement mediation can save you costs such as the cost of going to trial.

When can I apply for a stay of proceedings?
You can apply for a stay of proceedings at any time after the Tribunal case has started as long as both you and the other party agree to try to settle.

Will the stay be given?
The Tribunal will allow a six week stay automatically. The only requirement is that all the parties have agreed to try mediation or another form of ADR.

Will I have to pay a fee to the Tribunal for the stay?
As long as all the parties have agreed to try mediation or another form of ADR the Tribunal will not charge the £100 fee that a party applying for a stay of proceedings must usually pay.

Will I have to pay for mediation services?
The fees charged by the mediation or other ADR providers are in addition to and separate from the fees charged by the Tribunal. By promoting early settlement mediation can save you costs such as the cost of going to trial.

Who provides mediation?
Many different organisations provide mediation and other ADR services. The Tribunal presents information about three mediation schemes. This is to better meet the different needs of parties. You may make your own arrangements with a provider of one of the three schemes or with any other provider of ADR services.

1. The **National Mediation Helpline** scheme is well suited for simple cases and those involving relatively small sums of money, because the process, time scale and fees are all moderate. They can also assist with more complex cases.

2. The **Centre for Effective Dispute Resolution (CEDR)** is a mediation specialist. It has 20 years experience in ADR, conflict management, training and civil justice systems and many experienced mediators.

3. The **Royal Institute of Chartered Surveyors (RICS)** dispute resolution service offers mediators who are experienced property specialists familiar with issues such as valuation, service charges, right to manage, the appointment of managers, inheritance tax, demolition orders and a broad range of other property related matters.

Further information
More information about each of these schemes is provided on our website. We will also send you information once your case is underway.

2.11. Will the Tribunal return my papers to me?
The Tribunal is not able to return any documents to you. This applies both during the case and after the end of the case. So it is very important for your own records that you keep a copy of every application, notice or document that you provide to us.

2.12. The special, simplified and written representations procedures
The procedures generally described in this leaflet are the **standard procedure**. This is the procedure that is used in most cases. For a useful overview of the steps in each of our procedures, see the flowchart for your type of case.
Cases that are complex, of high value, or of wider importance are dealt with under the special procedure. Such cases are case managed by a judge or member of the Tribunal from the beginning. An early case-management hearing is usually fixed to ensure that appropriate directions are given and that a timetable is set.

In certain small, simple or straightforward cases, time and costs may be saved by use of the simplified procedure. Under this procedure a date for the hearing usually about three months ahead will be fixed early in the proceedings. Under the simplified procedure:

- All necessary documents must be sent to the Tribunal and other parties 1 month, or for some types of document, 14 days prior to the hearing
- a chartered surveyor may act both as advocate and as expert witness
- the hearing will be informal, usually with no swearing-in of witnesses
- usually no costs order will be made
- the usual tribunal fees, such as the hearing fee, are payable.

There is also a written representations procedure. This is available in cases in which the parties do not need to test each other’s evidence with cross-examination and the Tribunal considers it possible to deal with the case fairly without a hearing. Instead the Tribunal makes a determination based on the written representations (arguments or submissions) sent in by the parties.

More information on our procedures is available in the Rules, the Practice Directions and the procedure flowcharts, all of which may be viewed online at our website or requested from our office. When beginning or responding to a case you should indicate on the Tribunal form which of these procedures you consider suitable for your case and your reasons. You may also request a particular procedure during the course of proceedings.

3. RATING APPEALS

3.1. Valuation Tribunal appeals

The Lands Chamber hears appeals against decisions of Valuation Tribunals (VTs) concerning the rateable values or rateability of commercial, industrial and other non-domestic properties. A proposal by an occupier to change an entry in the valuation list (if it is not agreed), or an appeal by an occupier against a change in the list made by a valuation officer, is first considered by the local VT for the area. The VT gives a decision in writing specifying how the entry in the list is to be dealt with. Parties who appeared or were represented at the hearing (but no-one else) are entitled to appeal to the Lands Chamber, which re-hears the whole matter afresh. That is, the Tribunal does not review the VT decision to see if errors were made. Instead it holds its own hearing at which the parties present all the evidence for their case. If the case is simple or straightforward the simplified or written representation procedure may be followed.

3.2. Notice of appeal and statement of case

Your attention is drawn to Part 4 of the Rules, which governs appeals. If you wish to appeal, you must send or deliver two copies of a notice of appeal on Form RA to the Registrar of the Lands Chamber within 28 days of the date of the VT’s decision. An electronic copy of Form RA may be downloaded from our website, a paper copy
may be requested from our office. The fee for starting an appeal is £250 payable to the ‘Tribunals Service’ (not the Lands Chamber).

You need to enclose two copies of a statement of your case with your notice of appeal. Your statement of case should be typed and organised with headings for each of the grounds you rely on. With your statement of case, you must include:

1. every valuation (with particulars and computations) you rely on or a statement of the value(s) agreed by the parties; and
2. full particulars of any comparable properties and transactions you rely on and a statement of the purpose for which the comparison is made or a statement that no comparables will be referred to.

If you are unable to file a statement of case with your notice of appeal you must request an extension of time and pay the necessary fee (£100). Usually you must then file your statement of case within 1 month of filing the notice of appeal. You must also serve (send or deliver) a copy on the respondent(s). In turn the respondent(s) must file and serve their statement of case within 1 month of receiving your statement of case or else request an extension of time and pay the necessary fee.

Provided the appeal is in order and you have paid the fee, the appeal will be registered and given a case number. The Tribunal will send a copy of the notice of appeal and any statement of case sent with it to the other party at the VT hearing.

3.3. Respondent’s notice and statement of case

If you were a party to a VT hearing and an appeal is made to the Lands Chamber you will be sent a copy of the notice of appeal. You will also be sent a copy of the appellant’s statement of case, if one was enclosed with the notice of appeal. If you wish to be a respondent to the appeal, you must file a respondent’s notice with the Lands Chamber and serve a copy on (provide a copy to) the appellant within 1 month of receiving a notice of appeal. If you have been sent the appellant’s statement of case, you also need to enclose a statement of your case with the respondent’s notice that you provide to the Lands Chamber and to the appellant.

Your statement of case should be typed and organised with headings for each of the grounds you rely on. With your statement of case, you must include:

1. every valuation (with particulars and computations) you rely on or a statement of the value(s) agreed by the parties; and
2. full particulars of any comparable properties and transactions you rely on and a statement of the purpose for which the comparison is made or a statement that no comparables will be referred to.

If you have received the appellant’s statement of case but are unable to file a statement of case with your respondent’s notice, you must apply for an extension of time in which to do so. You will need to give reasons and pay an additional fee of £100.

3.4. Optional appellant’s reply

Within 1 month of receiving the respondent’s statement of case the appellant has the option of filing and serving an appellant’s reply addressing the arguments of the respondent. There is no need to file an appellant’s reply if the issues have already been addressed in the appellant’s statement of case.
3.5. Extensions of time

If you need to have a time limit extended, you can apply to the Registrar who will only give an extension if he or she considers it appropriate to do so. Our Rules specify that you must explain why you require the extension. You must also send a cheque for the £100 fee, payable to the ‘Tribunals Service’ (not the Lands Chamber) with your application to extend time.

Before sending in the application you should see if the other party will consent to the extension. If they do agree one of you needs to send a letter they have signed to the Tribunal. If the other party does not agree to the application, you need to serve a copy of the application to the other party. You also need to explain to them that if they wish to object to your application they must send a letter giving the reasons for their objection to the Tribunal so that it arrives within 10 days of the date you served the application on them.

In your application to the Tribunal you must say that you have followed this procedure. Also don’t forget to tell the Tribunal how much extra time you need.

3.6. Expert witness evidence and other documents

If you intend to call an expert to give evidence in your case, you will have to file and serve an expert report and supporting documents. These will be prepared by the expert. The experts for each party must meet before and after they file their reports to see if they can agree on part or all of the issues in dispute.

In most cases the expert reports must be filed and exchanged two months after the parties have filed and served their statements of case. Neither party may take their opponents by surprise at the hearing by withholding material until the last minute.

The requirements for expert evidence and witnesses are described at paragraph 9 below. The provisions on expert evidence in the Rules and Practice Directions should also be consulted.

3.7. Preparing for the hearing

Before the hearing takes place you must prepare and supply to the Tribunal and the other party a witness statement for each witness you are planning to call to give evidence, and all documents, plans, valuations, reports and legal precedents that you will use or refer to during the hearing.

3.8. Costs

In general the Tribunal will order the costs of a successful appellant to be paid by the respondent, while an unsuccessful appellant will be ordered to pay the respondent’s costs. This general rule will not apply if the appellant achieves only a small variation in the determination of the VT or if the conduct of the successful party has unnecessarily increased the costs incurred by the unsuccessful party.

4. LAND COMPENSATION REFERENCES

4.1. Compulsory purchase and blight

The Lands Chamber has power to determine the amount of compensation payable for land compulsorily purchased by a public authority or private body using statutory powers when the parties cannot reach agreement themselves. If necessary it can also decide the amount of compensation payable for depreciation in the value of
land caused by public works such as the construction of a nearby road, railway or airport.

The Tribunal has no power to consider the validity of a compulsory purchase order. A challenge to the validity of a compulsory purchase order lies to the Administrative Court, which is part of the High Court.

4.2. How the case is started, notice of reference, statement of case

Your attention is drawn to Part 5 of the Rules, which governs references. To bring a case to the Tribunal you must file two copies of a notice of reference using the correct reference form. The reference forms are available to be downloaded on our website or may be requested from our office. Which of our reference forms you should use depends on whether you are a claimant or an authority and on the type of reference. A full list of the forms is available on our website and more information is provided on the forms.

For references made by a claimant, use Form Ref (Claimant); for references made by an authority, use Form Ref (Authority); for references relating to the validity of a purchase order or a blight counter-notice use Form BNORef; and for references relating to absent-owners, use Form AO unless the property was acquired by general vesting order in which case use Form Ref (Authority). For references by consent use either Form Ref (Authority) or Form Ref (Claimant).

On the form, in addition to providing the names of the parties and their representatives, it is necessary to state the nature of compensation claimed, the date the acquiring authority entered on the land (if applicable), the type of procedure considered most appropriate and whether an expert witness is to be called.

A fee of £250 payable to the ‘Tribunals Service’ (not the Lands Chamber) must be paid on filing the reference.

If you are a claimant, if possible, you must also file two copies of your statement of case with your notice of reference. If you are unable to file a statement of case at that time you must request an extension of time and pay the necessary fee (£100). Usually you must then file your statement of case within 1 month of filing the notice of reference. You must also serve (send or deliver) a copy of your statement of case on the other party. Within 1 month of receiving your statement of case the other party must file and serve their statement of case or else request an extension of time and pay the necessary fee.

When it receives your notice of reference the Tribunal will register your reference and send a copy of the notice to the other party. The reference will also be given a case number. To avoid delay please quote the case number on all communications with the Lands Chamber and remember that you also need to send a copy of any letters and applications that you make to the other party or, if they are represented, to their solicitor or other representative. They in turn must send a copy of all their communications with the Tribunal to you. It is always best to discuss all applications in advance with the other party to see if you can get their agreement to the application.

4.3. Response to a notice of reference, statement of case

If you receive a notice of reference, you must complete a response within 1 month using the correct response form. The reference response forms are available to be downloaded on our website or may be requested from our office. Which of our
reference response forms you should use depends on whether you are a claimant or an authority and on the type of reference. A full list of the forms is available on our website and more information is provided on the forms. For a response by a claimant use Form R Response (Claimant); for a response by an authority use Form R Response (Authority); and for a response to a reference relating to the validity of a purchase order or a blight counter-notice use Form R BNO Response.

You then need to send a copy of the response form to the Tribunal and to the person who started the reference. There is no fee. If you were also sent a statement of case with the notice of reference, or if you are a claimant, you must file and serve (send or deliver to the Tribunal and the other party) a statement of case with your response form. If you are unable to file the statement of case at that time you must request an extension of time and pay a £100 fee. All fees are payable to the ‘Tribunals Service’ (not the Lands Chamber). You will then usually have 1 month in which to file and serve your statement of case.

4.4. Statements of case, expert witness evidence and other documents

In most cases, after the claimant and authority have each filed and served a statement of case, they will need to provide objective evidence from an expert about the amount of compensation they consider correct. If you intend to call an expert to give evidence in your case, you will have to file and serve an expert report and its supporting documents. These will be prepared by the expert. The experts for each party must meet before and after they file their reports to see if they can agree on part or all of the issues in dispute.

If you wish to call more than one expert witness, you will usually need to apply for permission from the Tribunal, explaining which type of expert witnesses you require and why. You will also need to pay a £100 fee. All fees are payable to the ‘Tribunals Service’ (not the Lands Chamber). You do not need to apply for permission for a second expert witness if your case relates to business disturbance or mineral valuation.

In most cases the expert reports must be filed and exchanged two months after the parties have filed and served their statements of case. Neither party may take their opponents by surprise at the hearing by withholding material until the last minute.

The requirements for expert evidence and witnesses are described at paragraph 9 below. The provisions on expert evidence in the Rules and Practice Directions should also be consulted.

4.5. Preparing for the hearing

Before the hearing takes place you must prepare and supply to the Tribunal and the other party a witness statement for each witness you are planning to call to give evidence, and all documents, plans, valuations, reports, and legal precedents that you will use or refer to during the hearing.

4.6. Costs

The general rule is that claimants whose land is compulsorily acquired is awarded their costs as long as they have delivered a notice of claim to the authority. This general rule will not apply if the acquiring authority has made an admissible offer of compensation that is more than the Tribunal’s award, in which case the claimant will normally be ordered to pay the authority’s costs incurred after the date of the offer. The general rule will also not apply if the claimant’s conduct has unnecessarily increased the costs incurred by the authority. More information about
admissible offers of compensation is provided in the Practice Directions in the section dealing with costs.

5. RESTRICTIVE COVENANTS

5.1. Section 84 of the Law of Property Act 1925

The owner of (or a person having certain other legal interests in) land that is subject to (burdened by) a restrictive covenant may apply to the Tribunal to have that restriction discharged or modified. A restrictive covenant is a restriction imposed for the benefit of one plot or area of land that prevents another plot or area of land from being used in certain ways. For example, a landowner may wish to extend their house or build another house on their land but be prevented from doing so by a restrictive covenant that was imposed to protect the view from adjoining land by someone who once owned both plots of land.

The Lands Chamber’s powers to discharge or modify restrictive covenants are strictly limited by the terms of section 84 of the Law of Property Act 1925 (as amended in 1969). It is always advisable to seek professional advice before applying to the Tribunal for a discharge or modification as the law on restrictions affecting land is especially complex and substantial costs can be incurred. Owners of land with the benefit of the covenant may object to the proposed loss of or variation to their current legal rights. A successful applicant may be ordered to pay compensation to the objector or objectors for the discharge or modification. And, as explained in greater detail in the Practice Directions, unsuccessful applicants are usually liable for the costs of any objector or objectors. Even if their objection is unsuccessful, objectors will not normally be ordered to pay the costs of the applicant.

5.2. Making the application

Your attention is drawn to Part 6 of the Rules, which governs s84 applications. An application is made by sending a completed Form LPA to the Lands Chamber. Full details of the information you need to provide and the documents you need to include with your application are provided on the form. You will for example need to: provide the details of the applicant and the land they own, and of the restrictive covenant and how it was imposed; identify which land has the benefit of the covenant and the nature of the changes sought. You also need to give details of any planning permission that has been sought or given in the previous five years.

An electronic version of form LPA can be downloaded from our website. If you do not have access to the internet you may request a copy of the form from our office but please note that it must typed not hand-written. This is because the form must be sent or made available to potential objectors and so it needs to be easily legible. Your local library may help you gain access to the internet.

There is a fee of £800 payable to the ‘Tribunals Service’ (not the Lands Chamber) on starting the application process. Other fees will be payable in the course of proceedings. The Fees Order can be viewed online at our website.

To avoid delay it is important to file all relevant documents with the application. These are listed on form LPA and include the conveyance or other legal document that created the restrictive covenant together with a coloured copy of any attached plan.
5.3. Serving notices

After your application has been registered, given a case number and is in order, the Registrar will give you directions on how you need to provide notice of your application to those people who may be entitled to the benefit of the restriction. This may involve newspaper advertisements and placing notices on your land where they can be read by the public. You may be directed to provide a copy of the application and attachments or a publicity notice to landowners who may have the benefit of the restrictive covenant. You must then provide proof of service and certify to the Tribunal that you properly carried out the directions for service.

5.4. Objectors

If your property is legally entitled to the benefit of the restrictive covenant(s) and you wish to object to the proposed discharge or modification, you must send an objection to the Tribunal and to the applicant. You must explain the grounds on which you believe you are entitled to the benefit of the covenant. This is a specific property right and if you are not sure if you do have a legal right to the benefit of the restriction(s), you should seek legal advice.

For your objection you should use form LPO, the Tribunal’s notice of objection form. When they served the publicity notice or copy of their application on you as an owner who could have the benefit of the restriction, the applicant will probably have served a copy of the notice of objection form. An electronic version can be downloaded from our website. If you do not have internet access you may request a copy from our office but you must type or write very legibly on the form so that it can be read easily.

Your notice of objection must be received by the Tribunal and the applicant within 1 month of the date notice of the application was given. There is no fee for objecting. On the objection form you will need to say why you object to the proposed change and (if applicable) how much compensation you claim if the application succeeds. If possible you should attach a statement of your case.

If you cannot provide all the necessary details and information you should provide the basic information on the form and ask for an extension of time in which to complete your objections. There is a £100 fee for this application payable to the ‘Tribunals Service’ (not the Lands Chamber). It is always best to discuss this and any other application you may make during the case in advance with the applicant to see if you can get their agreement to the application. If they do not agree to the application, you need to serve a copy of the application on them and explain to them that if they wish to object to your application they must send a letter giving the reasons for their objection to the Tribunal so that it arrives within 10 days of the date you served the application on them. In your application to the Tribunal you must say that you have followed this procedure. Also don’t forget to tell the Tribunal how much extra time you need.

For information regarding costs please see the paragraphs below.
5.5. Admission of objectors

Your attention is drawn to the rule 35 which deals with the admission of objectors. The Rules may be viewed online at our website. Only those persons with a legal right to the benefit of the restrictions are entitled to object to the application.

Within 14 days of receipt of each Notice of Objection the applicant must inform the Tribunal and the objector whether or not the applicant considers the objector entitled to the benefit of the restriction(s) to which the application relates. If the applicant disputes entitlement they must give reason. Any objector whose entitlement is not disputed by the applicant within 14 days is automatically admitted to oppose the application.

An objector who receives a notice from the applicant disputing their entitlement to the benefit of the restriction(s) has 14 days in which to provide evidence of their entitlement to the applicant and the Tribunal. Within 14 days of receipt of that evidence the applicant must inform the Tribunal and the objector whether, having seen the evidence the applicant now accepts the objector’s entitlement.

If necessary the Tribunal will hold a hearing to decide whether an Objector should be admitted to oppose the Application. If both parties agree, the issue may be decided without a hearing on the basis of written representations. Please note that the costs will usually be awarded to the successful party if the Tribunal is required to make a determination on entitlement to the benefit of the restriction(s). Once the question of objector entitlement has been settled, the case proceeds to dealing with the substantive issues.

If there are objectors all of whom are acknowledged by the applicant as entitled to the benefit of the restriction, the case proceeds to dealing with the substantive issues.

If there are no objectors the applicant may ask the Tribunal to consider the application without a hearing.

5.6. Preparing for the hearing: witnesses and documents

When any issues of entitlement to object have been resolved and one or more objectors is still a party to the case, preparations for the main hearing of the application need to be made. Neither party may take their opponents by surprise at the hearing by withholding material until the last minute. So, well before the hearing takes place you must prepare and provide to the Tribunal and the other party a witness statement for each witness you are planning to call to give evidence, and all documents, plans, valuations, reports, and legal precedents that you will use or refer to during the hearing.

If you intend to call an expert to give evidence at the hearing of the application, you must file and serve an expert report and supporting documents. This will be prepared by the expert.

In most cases the expert reports must be filed and exchanged two months after the parties have filed and served their statements of case.

The requirements for expert evidence and witnesses are described at paragraph 9 below. The provisions on expert evidence in the Rules and Practice Directions should also be consulted.
5.7. Costs

Costs relating to section 84(3A) hearings (entitlement to the benefit of the restriction)

If an applicant disputes that an objector is legally entitled to the benefit of the restrictive covenant, the objector must provide evidence of their entitlement. If this does not resolve the question a hearing may be held for the Tribunal to decide this preliminary issue. Usually the applicant will be required to pay to any objector who establishes at the hearing that they are entitled to the benefit of the covenant the costs that objector incurred in proving their entitlement. On the other hand, an objector who is not able to establish at the hearing that they are entitled to the benefit of the covenant, is not able to proceed with their objection to the application. Such an objector is also likely to be liable for the applicant’s costs on this issue.

Costs relating to the application and to objections to it (substantive application)

In the substantive proceedings the applicant is seeking to remove or diminish particular property rights enjoyed by the objector. Generally, successful objectors will be awarded their costs. Successful applicants cannot however expect to be awarded their costs. That is, even if unsuccessful, an objector will not usually be ordered to pay the applicant’s costs unless the conduct of the unsuccessful objector has been unreasonable. It is only in exceptional circumstances that an applicant would be ordered to pay the costs of an unsuccessful objector.

6. APPEALS FROM LEASEHOLD VALUATION TRIBUNALS

6.1. Leasehold Valuation Tribunals (LVTs)

LVTs, part of the Residential Property Tribunal Service, hear and decide appeals about matters concerning long leasehold properties such as:

(i) the enfranchisement price payable by certain residential tenants with a long lease to purchase the freehold reversion from the landlord and the extension or renewal of leases; and

(ii) the reasonableness of service charges, the cost of works, the proposed appointment of a manager and similar matters.

To appeal to the Lands Chamber against a decision of an LVT it is necessary to have permission to appeal from the LVT or from the Lands Chamber. Your attention is drawn to Part 4 of the Rules, which governs appeals.

6.2. Requirement for permission to appeal

Parties to proceedings before an LVT may appeal to the Lands Chamber against the LVT’s decision, but they cannot do so without permission. Permission (leave) to appeal must be applied for and given before an appeal may proceed. Note that there are strict time limits, so if you wish to appeal you should contact the LVT urgently.

6.3. Permission to appeal: applying first to the LVT

To appeal you must apply first to the LVT for permission. The Lands Chamber will not accept an appeal from you unless you have been given permission to appeal by the LVT. You should contact the LVT (at the address given on its decision) about how to apply for permission. There is a time limit for applying to the LVT of 21 days.
6.4. If the LVT has GIVEN permission to appeal

An appeal may be started by sending a completed Appeal Form to the Lands Chamber. There are two types of appeal form depending on the type of case. Use LRAForm1 for appeals relating to enfranchisement and form LRXForm1 for all other types of appeal. An electronic copy of the appeal forms may be downloaded from our website and a paper copy may be requested from our office. The fee for starting an appeal is £250 payable to the ‘Tribunals Service’ (not the Lands Chamber).

You need to enclose two copies of a statement of your case with your notice of appeal. Your statement of case should be typed and organised with headings for each of the grounds you rely on.

*Please note that the Tribunal does not have access to LVT documents or files so you must also provide a copy of the notice from the LVT giving permission to appeal together with a copy of the decision from which you are appealing.* To avoid delays please double check your copies to make sure that no pages are missing.

The case will be registered as an appeal, given a case number and served on the other party.

6.5. If the LVT has REFUSED permission to appeal

An application for permission may be made to the Lands Chamber. Use LRAForm2 for an application for permission to appeal relating to enfranchisement and form LRXForm2 for any other application for permission to appeal. An electronic copy of the application form may be downloaded from our website and a paper copy may be requested from our office. It is for you as the applicant to satisfy the Lands Chamber that permission to appeal should be given so the reasons for your application must be explained fully.

*Please note that the Lands Chamber does not have access to LVT documents or files so you must provide:*

(i) a copy of the decision from which you wish to appeal,
(ii) a copy of your application to the LVT for permission to appeal,
(iii) a copy of the decision of the LVT decision refusing permission to appeal, and
(iv) a copy of every document on which you rely, such as the lease.

The fee for making an application for permission to appeal of £200 must be paid in addition to the £250 appeal fee, so the total fee is £450. Cheques are payable to the ‘Tribunals Service’ (not the Lands Chamber). If your application for permission to appeal is refused by the Lands Chamber, the £250 appeal fee will be refunded to you.

6.6. Time limits

There is a time limit for applying and appealing to the Lands Chamber so you should act quickly. If you wish to appeal, the Notice of Appeal Form LRAForm1 or LRX Form1 should be sent to the Registrar of the Lands Chamber within 1 month of the date the LVT sent you permission to appeal. If the LVT refused permission to appeal, the Lands Chamber must receive your application for permission to appeal
on LRADF2 for LRXDF2 and all other required documents within 14 days from the date the LVT sent you notice of its refusal of permission to appeal.

6.7. Late applications
If you miss a deadline for starting an appeal or applying for permission to appeal, you will need to apply for an extension of time, giving reasons. An extra £100 fee is payable. The other party may object to any extension of time being given and the Tribunal will consider any such objections before deciding whether to give you an extension of time.

6.8. Case numbers
Provided the appeal or application is in order, and you have enclosed all the required documents and the correct fee(s), the appeal or application will be registered and given a case number. To avoid delay please quote the case number on all communications with the Lands Chamber. Please also ensure you send a copy of any letters and applications to the other party or, if they are represented, to their solicitor.

6.9. Fees
The fee for starting an appeal is £250 (payable to the ‘Tribunals Service’ (not the Lands Chamber)). It must be paid whether permission has been granted by the LVT or not. Other fees may be payable later in the case. There is also an additional £200 fee payable on applying to the Lands Chamber for permission to appeal. If you are also late and need to apply for permission to appeal out of time you must pay a further £100 fee. If the application for permission to appeal is refused only the £250 appeal fee will be refunded.

In exceptional circumstances involving undue financial hardship, fees may be waived or reduced. You will need to complete a written application and provide information regarding your income and expenses. The application and information about eligibility to have a fee waived or reduced are available on our website.

6.10. Response to an application for permission to appeal
Unless the Lands Chamber immediately dismisses the application as lacking merit, a copy of the application for permission to appeal will be sent by the Lands Chamber to the other party or parties to the LVT appeal. They will have a period of time within which to make any written representations about the applications they wish to make. If you are sent a copy of an application for permission, and you wish to comment on the application, you will need to send you submissions to the Tribunal and the applicant within the time limit set in the covering letter to you.

6.11. Response to a notice of appeal, respondent’s notice and statement of case
If you were a party to an LVT hearing and an appeal is made to the Lands Chamber you will be sent a copy of the notice of appeal. You will also be sent a copy of the appellant’s statement of case, if one was enclosed with the notice of appeal. If you wish to be a respondent to the appeal, you must file a respondent’s notice with the Lands Chamber and serve a copy on (provide a copy to) the appellant within 1 month
of receiving a notice of appeal. If you have been sent the appellant’s statement of case, you also need to enclose a statement of your case with the respondent’s notice that you provide to the Lands Chamber and to the appellant.

Your statement of case should be typed and organised with headings for each of the grounds you rely on.

If you have received the appellant’s statement of case but are unable to file a statement of case with your respondent’s notice, you must apply for an extension of time in which to do so. You will need to give reasons and pay an additional fee of £100.

6.12. Optional appellant’s reply

Within 1 month of receiving the respondent’s statement of case the appellant has the option of filing and serving an appellant’s reply addressing the arguments of the respondent. There is no need to file an appellant’s reply if the issues have already been addressed in the appellant’s statement of case.

6.13. Review or rehearing

There are three ways in which an appeal may proceed. If the case is an appeal by way of review, no further evidence is heard and the Lands Chamber is asked to give a decision on whether at the earlier hearing the LVT correctly applied the law to the evidence.

If the case is an appeal by way of review with a view to rehearing, initially no further evidence is heard, but if the Lands Chamber is satisfied that the LVT incorrectly applied the law or that the earlier hearing contained serious procedural errors, a new hearing will be held before the Lands Chamber, usually on the same day.

If the case is an appeal by way of rehearing, the case is completely reheard, with each party calling all the evidence they rely upon to establish their case. The Tribunal may at its discretion allow the parties to present new evidence that was not given before the LVT.

When giving permission to appeal or considering an appeal the Tribunal will take into account whether the parties wish to have a review, review with a view to rehearing or a rehearing, but will make its own assessment of which type of appeal is most appropriate.

6.14. Deciding an application for permission to appeal

There will not normally be a hearing. Instead the Lands Chamber will decide the application (make a determination) on the papers. If exceptionally the Tribunal decides to hold a hearing, all parties will be invited to attend and speak.

- If the Lands Chamber GIVES permission to appeal the appeal will be allowed to proceed.

There is no right to judicially review a determination by the Lands Chamber on whether or not to give permission to appeal and the Tribunal believes on the basis of legal precedents that there is also no right of appeal to the Court of Appeal.

- If the Lands Chamber REFUSES permission to appeal no appeal will be heard and the case is over.
6.15. **Statements of case**

When filing a notice of appeal the appellant may apply to have their application to the LVT for permission to appeal stand as their statement of case or else enclose a statement of case. When making an application to the Lands Chamber for permission to appeal the appellant may also apply to have that application stand as their statement of case, in the event that permission is given. Otherwise, if they have applied for an extension of time for filing, the appellant must send papers setting out their case (a statement of case) both to the Tribunal and, if they have received a respondent’s notice, directly to the respondent. In turn any respondent(s) must send a statement of case setting out why they disagree with the appellant’s case to the appellant and to the Tribunal **within 1 month** of receiving the appellant’s statement of case.

6.16. **Extensions of time**

If you need to have a time limit extended, you can apply to the Registrar who will only give an extension if he or she considers it appropriate to do so. Our Rules specify that you must explain why you require the extension. You must also send a cheque for the £100 fee, payable to the ‘Tribunals Service’ (not the Lands Chamber) with your application to extend time.

Before sending in the application you should see if the other party will consent to the extension. If they do agree one of you needs to send a letter they have signed to the Tribunal. If the other party does not agree to the application, you need to serve a copy of the application to the other party. You also need to explain to them that if they wish to object to your application they must send a letter giving the reasons for their objection to the Tribunal so that it arrives within 10 days of the date you served the application on them.

In your application to the Tribunal you must say that you have followed this procedure. Also don’t forget to tell the Tribunal how much extra time you need.

6.17. **Expert witness evidence and other documents**

If the appeal is by way of rehearing and you intend to call an expert to give evidence in your case, you will have to file and serve an expert report and supporting documents. These will be prepared by the expert. And the experts for each party must meet before and after they file their reports to see if they can agree on part or all of the issues in dispute.

In most cases the expert reports must be filed and exchanged two months after the parties have filed and served their statements of case.

The requirements for expert evidence and witnesses are described at paragraph 9 below. The provisions on expert evidence in the Rules and Practice Directions should also be consulted.

6.18. **Preparing for the hearing**

Neither party may take their opponents by surprise at the hearing by withholding material until the last minute. So, well before the hearing takes place you must prepare and provide to the Tribunal and the other party a witness statement for each witness you are planning to call to give evidence, and all documents, plans, valuations, reports, and legal precedents that you will use or refer to during the hearing.
6.19. Costs

No award of costs in appeals from an LVT will exceed £500 and no costs order will be made unless:

- the Tribunal considers that the party ordered to pay costs has acted unreasonably in bringing, defending or conducting the proceedings;
- it is an order for costs to cover the whole or part of any Tribunal fee paid by another party; and or
- it is an order disallowing wasted costs or ordering a legal or other representative to meet the whole or part of wasted costs.

Wasted costs are costs incurred by a party as a result of any improper, unreasonable or negligent act (or failure to act) on the part of a representative of that party or of another party which the Tribunal considers unreasonable to expect the party that incurred the costs to pay.

7. APPEALS FROM THE RESIDENTIAL PROPERTY TRIBUNAL

7.1. Residential Property Tribunals (RPTs)

RPTs, part of the Residential Property Tribunal Service, hear and decide appeals about certain aspects of the regulation of private rented properties by local housing authorities. These include:

(i) Emergency remedial action and emergency prohibition notices;
(ii) Demolition orders and declarations of clearance areas;
(iii) Prohibition, improvement and overcrowding notices and management orders; and
(iv) The licensing of multiple occupation and certain other residential houses.

To appeal to the Lands Chamber against a decision of an RPT it is necessary to have permission to appeal from the RPT or from the Lands Chamber. Your attention is drawn to Part 4 of the Rules, which governs appeals.

7.2. Requirement for permission to appeal

Parties to proceedings before the RPT may appeal to the Lands Chamber against the RPT’s decision, but they cannot do so without permission. Permission (leave) to appeal must be applied for and given for an appeal to proceed. Note that there are time limits, so if you wish to bring such an appeal you should contact the RPT urgently.

7.3. Permission to appeal: applying first to the RPT

To appeal you must apply first to the RPT for permission to appeal. The Lands Chamber will not accept the case unless you have done so. You should contact the RPT (at the address given on its written decision) about how to apply for permission. There is a time limit for applying to the RPT of 14 days.
7.4. If the RPT has GIVEN permission to appeal

An appeal may be started by sending a completed appeal Form, Form HA1 to the Lands Chamber. An electronic copy of the appeal form may be downloaded from our website and a paper copy may be requested from our office. The fee for starting an appeal is £250 payable to the ‘Tribunals Service’ (not the Lands Chamber).

You need to enclose two copies of a statement of your case with your notice of appeal. Your statement of case should be typed and organised with headings for each of the grounds you rely on.

Please note that the Tribunal does not have access to RPT documents or files so you must also provide a copy of the notice from the RPT giving permission to appeal together with a copy of the decision from which you are appealing. To avoid delays please double check your copies to make sure that no pages are missing.

The case will be registered as an appeal, given a case number and served on the other party.

7.5. If the RPT has REFUSED permission to appeal

An application for permission may be made to the Lands Chamber using Form HA1. An electronic copy of the form may be downloaded from our website and a paper copy may be requested from our office. It is for you as the applicant to satisfy the Lands Chamber that permission to appeal should be given so the reasons for your application must be explained fully.

Please note that the Lands Chamber does not have access to RPT documents or files so you must provide:

(v) a copy of the decision from which you wish to appeal,
(vi) a copy of your application to the RPT for permission to appeal,
(vii) a copy of the decision of the RPT refusing permission to appeal, and
(viii) a copy of every document on which you rely, such as the lease.

The fee for making an application for permission to appeal of £200 must be paid in addition to the £250 appeal fee, so the total fee is £450. Cheques are payable to the ‘Tribunals Service’ (not the Lands Chamber). If your application for permission to appeal is refused by the Lands Chamber, the £250 appeal fee will be refunded to you.

7.6. Time limits

There is a time limit for applying for permission to appeal and for appealing to the Lands Chamber so you should act quickly. If you wish to appeal, send your notice of appeal or application for permission to appeal, the appeal fee and all other required documents to the Registrar of the Lands Chamber:

- within 14 days of the date the notice from the RPT refusing permission to appeal was sent to you; or
- within 1 month (or less if there is an urgency direction) of the date the notice from the RPT granting permission to appeal was sent to you.

7.7. Late applications

If you miss a deadline for starting an appeal or applying for permission to appeal, you will need to apply for an extension of time, giving reasons. An extra £100
fee is payable. The other party may object to any extension of time being given and the Tribunal will consider any such objections before deciding whether to give you an extension of time.

7.8. Urgency directions

For appeals from an RPT an urgency direction may be issued to shorten the time limits that otherwise apply for: 1. starting an appeal when permission to appeal has been given by the RPT; 2. filing and serving a respondent’s notice; and 3. filing and serving a statement of case. An urgency direction may also permit the application to the RPT for permission to appeal to stand as a notice of appeal to the Registrar of the Lands Chamber, although you should fill out as much as you can on form HA1. An urgency direction may be made by the Tribunal acting on its own initiative or on application by a party. The fee for an urgency direction is £100 payable to the ‘Tribunals Service’ (not the Lands Chamber). The reasons for the application and the amount of reduction in time requested must be stated. A copy of the application must be sent to the other party and the application must state that this was done.

7.9. Case numbers

Provided the appeal or application is in order, and you have enclosed all the required documents and the correct fee(s), the appeal or application will be registered and given a case number. To avoid delay please quote the case number on all communications with the Lands Chamber. Please also ensure you send a copy of any letters and applications to the other party or, if they are represented, to their solicitor.

7.10. Fees

The fee for starting an appeal is £250 (payable to the ‘Tribunals Service’ (not the Lands Chamber)). It must be paid whether permission has been granted by the RPT or not. Other fees may be payable later in the case. There is also an additional £200 fee payable on applying to the Lands Chamber for permission to appeal. If the application for permission to appeal is refused only the £250 appeal fee will be refunded. If you are also late and need to apply for permission to appeal out of time you must pay a further £100 fee. You will not be given an extension of time if the Lands Chamber has made an urgency direction.

In exceptional circumstances involving undue financial hardship, fees may be waived or reduced. You will need to complete a written application and provide information regarding your income and expenses. The application and information about eligibility to have a fee waived or reduced are available on our website.

7.11. Response to an application for permission to appeal

Unless the Lands Chamber immediately dismisses the application as lacking merit, a copy of the application for permission to appeal will be sent by the Lands Chamber to the other party or parties to the RPT appeal. They will have a period of time within which to make any written representations about the applications they wish to make. If you are sent a copy of an application for permission, and you wish to
comment on the application, you will need to send you submissions to the Tribunal and the applicant within the time limit set in the covering letter to you.

7.12. **Response to a notice of appeal, respondent’s notice and statement of case**

If you were a party to an RPT hearing and an appeal is made to the Lands Chamber you will be sent a copy of the notice of appeal. You will also be sent a copy of the appellant’s statement of case, if one was enclosed with the notice of appeal. If you wish to be a respondent to the appeal, you must file a respondent’s notice with the Lands Chamber and serve a copy on (provide a copy to) the appellant within 1 month of receiving a notice of appeal. If you have been sent the appellant’s statement of case, you also need to enclose a statement of your case with the respondent’s notice that you provide to the Lands Chamber and to the appellant.

Your statement of case should be typed and organised with headings for each of the grounds you rely on.

If you have received the appellant’s statement of case but are unable to file a statement of case with your respondent’s notice, you must apply for an extension of time in which to do so. You will need to give reasons and pay an additional fee of £100. You will not be given an extension of time if the Lands Chamber has made an urgency direction.

7.13. **Optional appellant’s reply**

Within 1 month of receiving the respondent’s statement of case the appellant has the option of filing and serving an appellant’s reply addressing the arguments of the respondent. There is no need to file an appellant’s reply if the issues have already been addressed in the appellant’s statement of case.

7.14. **Review or rehearing**

There are three ways in which an appeal may proceed. If the case is an appeal by way of review, no further evidence is heard and the Lands Chamber is asked to give a decision on whether at the earlier hearing the RPT correctly applied the law to the evidence.

If the case is an appeal by way of review with a view to rehearing, initially no further evidence is heard, but if the Lands Chamber is satisfied that the RPT incorrectly applied the law or that the earlier hearing contained serious procedural errors, a new hearing will be held before the Lands Chamber, usually on the same day.

If the case is an appeal by way of rehearing, the case is completely reheard, with each party calling all the evidence they rely upon to establish their case. The Tribunal may at its discretion allow the parties to present new evidence that was not given before the RPT.

When giving permission to appeal or considering an appeal the Tribunal will take into account whether the parties wish to have a review, review with a view to rehearing or a rehearing, but will make its own assessment of which type of appeal is most appropriate.
7.15. Deciding an application for permission to appeal

There will not normally be a hearing. Instead the Lands Chamber will decide the application (make a determination) on the papers. If exceptionally the Tribunal decides to hold a hearing, all parties will be invited to attend and speak.

- If the Lands Chamber GIVES permission to appeal the appeal will be allowed to proceed.

There is no right to judicially review a determination by the Lands Chamber on whether or not to give permission to appeal and the Tribunal believes on the basis of legal precedents that there is also no right of appeal to the Court of Appeal.

- If the Lands Chamber REFUSES permission to appeal no appeal will be heard and the case is over.

7.16. Statements of case

When filing a notice of appeal the appellant may apply to have their application to the RPT for permission to appeal stand as their statement of case or else enclose a statement of case. When making an application to the Lands Chamber for permission to appeal the appellant may also apply to have that application stand as their statement of case, in the event that permission is given. Otherwise, if they have applied for an extension of time for filing, the appellant must send papers setting out their case (a statement of case) both to the Tribunal and, if they have received a respondent’s notice, directly to the respondent. In turn any respondent(s) must send a statement of case setting out why they disagree with the appellant’s case to the appellant and to the Tribunal within 1 month of receiving the appellant’s statement of case. Note that no extension of time for filing the statement of case will be given if an urgency direction has been given.

7.17. Extensions of time

If you need to have a time limit extended, you can apply to the Registrar who will only give an extension if he or she considers it appropriate to do so. Note that no extension of time will be given if an urgency direction has been given. Our Rules specify that you must explain why you require an extension of time, even if you have the agreement of the other party. You must also send a cheque for the £100 fee, payable to the ‘Tribunals Service’ (not the Lands Chamber) with your application to extend time.

Before sending in the application you should see if the other party will consent to the extension. If they do agree one of you needs to send a letter they have signed to the Tribunal. If the other party does not agree to the application, you need to serve a copy of the application to the other party. You also need to explain to them that if they wish to object to your application they must send a letter giving the reasons for their objection to the Tribunal so that it arrives within 10 days of the date you served the application on them.

In your application to the Tribunal you must say that you have followed this procedure. Also don’t forget to tell the Tribunal how much extra time you need.
7.18. Expert witness evidence and other documents

If the appeal is by way of rehearing and you intend to call an expert to give evidence in your case, you will have to file and serve an expert report and supporting documents. These will be prepared by the expert. And the experts for each party must meet before and after they file their reports to see if they can agree on part or all of the issues in dispute.

In most cases the expert reports must be filed and exchanged two months after the parties have filed and served their statements of case.

The requirements for expert evidence and witnesses are described at paragraph 9 below. The provisions on expert evidence in the Rules and Practice Directions should also be consulted.

7.19. Preparing for the hearing

Neither party may take their opponents by surprise at the hearing by withholding material until the last minute. So, well before the hearing takes place you must prepare and provide to the Tribunal and the other party a witness statement for each witness you are planning to call to give evidence, and all documents, plans, valuations, reports, and legal precedents that you will use or refer to during the hearing.

7.20. Costs

In general the Tribunal will order the costs of a successful appellant to be paid by the respondent, while an unsuccessful appellant will usually be ordered to pay the respondent’s costs. This general rule will not apply where the conduct of the successful party has unnecessarily increased the costs incurred by the unsuccessful party.

The Tribunal may also make an order disallowing wasted costs or ordering a legal or other representative to meet the whole or part of wasted costs.

Wasted costs are costs incurred by a party as a result of any improper, unreasonable or negligent act (or failure to act) on the part of a representative of that party or of another party which the Tribunal considers unreasonable to expect the party that incurred the costs to pay.

For more information on costs, see the Practice Directions.

8. OTHER JURISDICTIONS

8.1. Tax determinations

Under sections 46D and 47B of the Taxes Management Act 1970 and section 222 of the Inheritance Tax Act 1984 appeal lies to the Tribunal from certain decisions and assessments of H.M. Revenue and Customs (HMRC) concerning the value of land or property.

To start an appeal to the Tribunal you must write to the Registrar of the Tribunal stating that you wish to appeal. In the letter you must provide your name and contact details and those of your representative, if you have one. If you do not have a representative please also give your address for service of documents by us and HMRC. This can be your home address. It is often possible to decide such an appeal without a hearing so you should also state whether or not you wish to have a hearing.
Finally, do not forget to enclose a copy of the Notice of Determination – the document stating the value given to your property by HMRC. We will send a copy of your letter to HMRC. Registrar may then order that statements of case be filed and served by you and HMRC. This will only be done if the case concerns a complex hereditament (building or other property). The parties are however almost always directed to file and exchange an expert report on the valuation of the property.

8.2. Rights of light

If daylight passes across one piece of land to a window or other aperture in a building on another piece of land, the owner of the land with the building on it may eventually acquire a right to light. This is a right to prevent the owner of the first land reducing the amount or passage of light to that aperture. The right does not arise if, before 20 years have elapsed, the passage of light has been restricted by a physical structure.

The Rights of Light Act 1959 (the Act) allows the passage of light to be interrupted by a notional structure. To prevent the acquisition of a right of light the notional structure must be registered in the local lands charges register before 19 years have passed by. In any other case it must remain in place unchallenged by the owner of the building for a full year before it is effective.

Under the Act, the role of the Tribunal is first to determine what steps the landowner must a take to inform other people with a proprietary interest in the building about the proposed registration of a notional structure and, second, to issue a certificate enabling registration if it considers that adequate publicity has been given. The fee is £1,200 with an additional £300 if a temporary (emergency) certificate is requested.

A temporary certificate is granted only if the building is shortly to acquire rights to light. It is very important that the reasons for considering the case to be urgent are explained otherwise the Registrars will not give the temporary certificate. No temporary certificate will be given if the building has already acquired a right of light. When a temporary certificate is issued applicants must act promptly to comply with publicity/service directions to ensure that they are able to obtain and register a definitive certificate before the temporary one expires.

Applications must be made by completing Forms 1 and A and filing 3 copies with the Tribunal together with the appropriate fee made payable to the 'Tribunals Service' (not the Lands Chamber).

A mistake commonly made by parties is to outline both the servient and dominant land on the plans they submit to the Tribunal. So, to avoid delay please ensure that you outline, in red, the servient land (the land that belonging to the applicant) but outline, in blue, only the dominant building (the one with the windows or apertures that may acquire a right to light). Do not outline all of the dominant land.
8.3. **Protecting a right of light**

The Tribunal receives many enquiries from people wishing to protect a right of light that they may have acquired. However the Act does not give the Tribunal any role or power to safeguard rights of light.

If you are served with a notice that a notional structure is to be erected (or if actual construction commences or is planned) that may interfere with a right of light that you believe you have already acquired, to protect your right you will need to take legal steps through the courts, and you should promptly seek legal advice.

If the notional structure is put in place, (that is, if the light obstruction notice is filed with local land charges registry), before your building has had an uninterrupted flow of light for more than *19 years and 1 day*, there is nothing you can do to stop the registration of the notional structure.

8.4. **References by consent**

The Tribunal has wide powers to act as an arbitrator by consent of the parties. Parties may enter into an agreement that, in the event of a dispute between them concerning the valuation of land, the matter is to be referred to the Lands Chamber. The President of the Tribunal has discretion to accept cases on this basis, and the Tribunal deals with the case in the same way an arbitrator would.

Which of our reference forms you should use depends on whether you are a claimant or an authority. For references made by a claimant, use Form Ref (Claimant); for references made by an authority, use Form Ref (Authority). The reference forms are available to be downloaded on our website or may be requested from our office. The reference form must be completed and filed together with a copy of the agreement under which the reference is made.

A fee of £250 payable to the ‘Tribunals Service’ (not the Lands Chamber) must be paid on filing the reference.

If you receive a notice of reference, you must complete a response within 1 month using the correct response form. The reference response forms are available to be downloaded on our website or may be requested from our office. Which of our reference response forms you should use depends on whether you are a claimant or an authority. For a response by a claimant use Form R Response (Claimant); for a response by an authority use Form R Response (Authority).

You then need to send a copy of the response form to the Tribunal and to the person who started the reference. There is no fee. If you were also sent a statement of case with the notice of reference, you must file and serve (send or deliver to the Tribunal and the other party) a statement of case with your response form. If you are unable to file the statement of case at that time you must request an extension of time and pay a £100 fee. All fees are payable to the ‘Tribunals Service’ (not the Lands Chamber). You will then usually have 1 month in which to file and serve your statement of case.

8.5. **Blight notice and objection**

The owner of land they consider to have become unsaleable or to have had its value diminished by a proposed scheme (such as construction of a road), may (subject to certain restrictions) serve a blight notice on the authority that caused the blight for it to buy the land for full value. If however the authority believes that the land has not been blighted it serves a counter notice on the owner. If the parties then cannot agree,
the dispute about the validity of the counter notice may be referred to the Lands Chamber. Form BNORef should be completed and the fee, payable to the ‘Tribunals Service’ (not the Lands Chamber) on filing the form, is £250.

If you receive a notice of reference, you must complete a response within 1 month using the correct response form. The reference response forms are available to be downloaded on our website or may be requested from our office. For a response to a reference relating to the validity of a purchase order or a blight counter-notice use Form R BNO Response.

You then need to send a copy of the response form to the Tribunal and to the person who started the reference. There is no fee. If you were also sent a statement of case with the notice of reference you must file and serve (send or deliver to the Tribunal and the other party) a statement of case with your response form. If you are unable to file the statement of case at that time you must request an extension of time and pay a £100 fee. All fees are payable to the ‘Tribunals Service’ (not the Lands Chamber). You will then usually have 1 month in which to file and serve your statement of case.

8.6 Absent owners

When land of an owner who is absent, unknown or untraceable has been acquired under a compulsory purchase order the acquiring authority is obliged to pay compensation into court in case the owner appears later. The Lands Chamber can determine the amount payable.

Form AO, available on our website or from our office, should be completed and 2 copies of it and all the required plans and other documents filed with the Tribunal. There is a fee of £500 plus valuation fees of £420.00 (including VAT) for London Boroughs and £360.00 (including VAT) for all other areas. Cheques must be made payable to the ‘Tribunals Service’ (not the Lands Chamber).

If the land was acquired by a general vesting declaration, then the absent owner procedure is not available (due to legislative constraint). In such a case you need to make a standard reference. So you must file two copies of a notice of reference using Form Ref (Authority) and enclosing all of the required plans and other documents. The reference form is available to be downloaded on our website or may be requested from our office. A fee of £250 payable to the ‘Tribunals Service’ (not the Lands Chamber) must be paid on filing the reference. You will also need to provide a statement about your attempts to trace the missing owner, and apply to the Registrar to dispense with service on the owner (see rule 14).

9. TRIBUNAL DIRECTIONS

9.1 How do I apply for an extension of time?

If you need to have a time limit extended, you can apply to the Registrar who will only give an extension if he or she considers it appropriate to do so. Note that in an appeal from an RPT no extension of time will be given if an urgency direction has been given. Our Rules specify that you must explain why you require an extension of time, even if you have the agreement of the other party. You must also send a cheque for the £100 fee, payable to the ‘Tribunals Service’ (not the Lands Chamber) with your application to extend time.
Before sending in the application you should see if the other party will consent to the extension. If they do agree one of you needs to send a letter they have signed to the Tribunal. If the other party does not agree to the application, you need to serve a copy of the application to the other party. You also need to explain to them that if they wish to object to your application they must send a letter giving the reasons for their objection to the Tribunal so that it arrives within 10 days of the date you served the application on them.

In your application to the Tribunal you must say that you have followed this procedure. Also don’t forget to tell the Tribunal how much extra time you need.

9.2. How can I apply for a stay of proceedings?

You apply for a stay of proceedings (a pause or temporary break in the proceedings) in exactly the same way as applying for an extension of time. The process is explained in the paragraph about extensions of time above.

9.3. What is a statement of case?

It is a statement setting out the basis of your case. The purpose of a statement of case is to enable the other party and the Tribunal to identify easily the issues to be determined by the Tribunal. Your statement of case must therefore set out the basis of fact and of law on which you rely. It must be in summary form (be as brief as possible) but contain particulars or details that are sufficient to tell the other party the case that you are making and to enable the Tribunal to identify the issues. Your attention is drawn to the section 6 of the Practice Directions as it deals with statements of case.

10. EXPERT WITNESSES AND REPORTS

10.1. Expert and other witnesses

An expert witness is a witness who provides a professional opinion to the Tribunal. You do not have to call an expert witness in support of your case. It may however be the only or best way to establish the merits of your claim. The type of expert witness most commonly called is a surveyor or valuer. For some large or complex cases, architects, civil engineers or other experts are called. Only one expert witness may be called by a party unless they have applied for and been granted permission to call more. However, in business disturbance or minerals valuation cases permission is only required to call more than two expert witnesses.

There is no limit on calling witnesses of fact, that is, witnesses who state what they know about factual matters but do not give professional opinions.

10.2. Reports and other documents

Each expert witness who is to give evidence to the Tribunal is required to file a report setting out that evidence, accompanied by whatever plans, valuations, lists of comparable properties and other supporting information and documents as may be appropriate. Copies of these documents must be sent to the Tribunal and the other party well in advance of the hearing. Before and again after the exchange of the
experts’ reports the Tribunal requires experts to meet in order to identify the issues to be resolved, to reach agreement as to facts, to agree any relevant plans and photographs, and to settle as many issues as may be possible. The parties will normally need to prepare a statement showing the facts and issues on which the experts agree or disagree and a summary of their reasons for disagreeing.

The witness statement and other documents must usually be sent to the other party and to the Tribunal within 2 months of exchange of the statements of case.

11. HEARINGS

11.1. Venues
The Lands Chamber hears most cases at its courts in London and holds hearings in other local courts if necessary. If the parties request a hearing to take place locally, the Tribunal will try to arrange suitable courtroom accommodation. It is usually possible to arrange hearings more quickly in London.

11.2. Length of hearing
Parties are required to tell the Tribunal how long the hearing is expected to take, whether several hours, one or more days. Parties should consult with each other about this and try to agree time estimates. If the time estimate is too short, there may have to be an inconvenient and possibly expensive adjournment part-way through the case until more available days can be found. On the other hand if parties over-estimate the time, the scheduling of hearings are delayed. It is in the interests of all litigants that the resources of parties and of the Tribunal not be wasted either by unnecessary adjournments or by over-estimates of the hearing time required.

11.3. If lawyers are instructed
A party is not obliged to instruct lawyers, and individuals are always entitled to appear on their own behalf. However, as the law or facts can be complex, lawyers are often instructed. If a barrister (counsel) is briefed, the Tribunal should be informed so that the barrister's clerk can be consulted directly by Tribunal staff about hearing arrangements.

11.4. Special needs
Please let us know when we are arranging the hearing date if you, your representative or any of your witnesses have any special needs that need to be taken into consideration, for instance if one of you is disabled and requires a court with suitable access and facilities.

11.5. Arranging a hearing date
When the preliminary requirements have been met and the documentation is in order, a hearing will be arranged. Tribunal staff will try to accommodate parties’ preferences as far as possible when fixing a hearing date. The parties will be contacted in writing or on the telephone about this. The Tribunal will also attempt to accommodate parties who ask for an early hearing date.
11.6. Procedure at the hearing

Participants are advised to arrive a little before the appointed time on the day of the hearing so that they can make themselves known to the court clerk, familiarise themselves with the courtroom layout, meet their witnesses, get the documentation in order and perhaps discuss the case with their opponents.

When the hearing begins, the appellant, applicant or claimant party usually starts first by setting out their case, then calling evidence and presenting documents. Each witness gives evidence on oath or affirmation, and is liable to be asked questions by the Tribunal member and cross-examined by the other party. The other party then introduces its case and calls evidence. Each party has an opportunity to set out the legal arguments it relies on in support of its case.

Proceedings will be less formal if the simplified hearing procedure has been requested and agreed to by the Tribunal.

Wigs and gowns are not worn in Tribunal proceedings. Judges and surveyor members are addressed as “Sir” or “Madam”.

12. DECISIONS and FINAL ORDERS

12.1. Written Decisions

The Tribunal usually reserves its decision rather than giving a decision immediately at the end of the hearing. Decisions are given in writing and sent to the parties. The parties may be invited to make submissions to the Tribunal with regard to costs of the case either at the end of the hearing, or later in writing and an addendum to the decision will be issued when the issue of costs has also been decided.

12.2. Hearing fee

In addition to the filing or setting down fee, a fee is payable for the hearing of most cases. The fees are set out in the Fees Order and schedule which may be viewed online at our website. The level of the hearing fees range from flat fees of £500 (where there is no amount awarded), £1,000 (for a restrictive covenant case), to scale fees up to £15,000 in larger cases. If several cases are heard together, a fee is payable for each case. All fees must be paid to the Tribunal immediately they are requested, and cheques must be made payable to the ‘Tribunals Service’ (not the Lands Chamber).

12.3. Issue of the order

Following the issue of the reasoned decision, the Tribunal issues a brief formal order stating the effect of the decision. This may be used if, for example, further action has to be taken in the courts following the Tribunal decision, or in the recovery of costs. In restrictive covenant cases, the order will have a permanent effect on the title of the land, so it is particularly important for it to be accurately drawn and there is a fee of £200 for engrossing the minutes of order.
13. Appeals from a decision of the Lands Chamber

The Tribunal’s decision on all matters of fact is final. There is a limited right of appeal to the Court of Appeal on a point or points of law and permission is always required.

13.1. Application for permission to appeal from a decision of the Lands Chamber on a point of law

An application for permission to appeal to the Court of Appeal must be made to the Lands Chamber within 1 month after the date that the decision of the Tribunal has taken effect and was sent to the parties. In the application you must provide the case name and number of the decision of the Tribunal you wish to appeal; explain the alleged error or errors of law in the decision; and say what result you are looking for in the appeal.

If permission to appeal to the Court of Appeal is refused in whole or in part the Tribunal will send a decision to the parties setting out the reasons for its refusal. If you are the applicant, you may then apply in writing to the Court of Appeal for permission to appeal. You must file at least 3 copies of an Appellant’s Notice and also ask for permission to appeal and enclose a copy of the decision of the Tribunal refusing permission to appeal with the Court of Appeal within 21 days of the date that the Tribunal’s decision to refuse permission in whole or in part was sent to the parties. Fees are payable to the Court. Further information that you will need to apply for permission to appeal to the Court of Appeal is available from the Court of Appeal’s website, http://www.hmcourts-service.gov.uk/cms/1290.htm or you may contact the Civil Appeals Office at the Royal Courts of Justice, Strand, London WC2A 2LL (telephone 020 7947 6916/7121).

If permission to appeal is given, if you are the appellant you will need to begin the appeal in the Court of Appeal promptly. You must file at least 3 copies of an Appellant’s Notice together with the decision of the Tribunal giving permission to appeal with the Court of Appeal within 21 days of the date of the Tribunal’s decision giving permission to appeal. Fees are payable to the Court. Further information that you will need to appeal to the Court of Appeal is available is available from the Court of Appeal’s website, http://www.hmcourts-service.gov.uk/cms/1290.htm or you may contact the Civil Appeals Office at the Royal Courts of Justice, Strand, London WC2A 2LL (telephone 020 7947 6916/7121).

13.2. Review of a Lands Chamber decision

The Tribunal may review its own decision in two circumstances only: First if it overlooked a legislative provision or binding authority which could have had a difference to the decision; or second, if 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 difference to the decision.

If you believe the Tribunal should review its decision, you must apply to the Tribunal for permission to appeal to the Court of Appeal and also ask the Tribunal to review its decision.

If the Tribunal decides not to review a decision or upon reviewing it decides not to vary it, it will consider whether to give permission to appeal the whole or part of a decision.
13.3. Appealing or seeking judicial review of a Lands Chamber decision refusing permission to appeal from another tribunal

An applicant who has been refused permission by the Lands Chamber to appeal to the Lands Chamber from the decision of another tribunal does not have a right to seek judicial review of the Tribunal’s refusal to give permission.

Similarly, it is not possible to appeal to the Court of Appeal from a decision of the Lands Chamber refusing permission to appeal to it from an RPT or LVT.

So, in unsuccessfully seeking permission to appeal the decision of the RPT or the LVT, first from the RPT or the LVT and then from the Lands Chamber, the applicant has no other rights of appeal or review and the decision of the RPT or the LVT stands.

14. ORDERS FOR COSTS

14.1. Detailed assessment of costs

Where one party has been ordered to pay the costs of another party, and they are unable to agree the amount, the costs claimed may be drawn up into what is known as “a bill of costs” and the Registrar of the Tribunal asked to carry out a detailed assessment of the costs, formerly referred to as a “taxation of costs”.

The other party will file “points of dispute” explaining which items they challenge and why. The Registrar will consider the bill of costs and points of dispute item by item and decide whether to allow or disallow the items that have been challenged. The Tribunal’s fee for this service is 5p for every pound of the total bill as assessed.

15. STANDARDS AND COMPLAINTS

15.1. Standards

The Tribunal has certain standards of service and performance which it is committed to reaching. We aim to:

- respond to requests for forms within 2 working days
- register new cases within 5 working days (if all necessary documents and fees are sent with the case)
- offer parties hearing dates within 10 weeks of readiness
- notify parties of hearing dates within 5 working days of fixing the date
- issue decisions within 4 weeks of the hearing
- complete 75% of all absent owner and rights of light applications within 24 weeks
- complete 75% of all other types of cases within 70 weeks
15.2. Comments and complaints

If you have any comments or complaints about the service you have received from the Lands Chamber contact the Tribunal Manager:

Ms Laura Farr
45 Bedford Square
London
WC1B 3DN
Tel: 020 612 9710
Fax: 020 612 9723
Email: lands@tribunals.gsi.gov.uk

If upon receiving a response from the Tribunal Manager you wish to take the matter further contact the Tribunal Service’s Area Manager for Central London:

Mr Mike Watson
Tribunals Service
Fox Court, 5th Floor
14 Grays Inn Road
London WC1X 8HN

PLEASE NOTE: Neither the Tribunal Manager nor the Area Manager can deal with complaints about judicial decisions. If you are dissatisfied with the final decision made after the hearing of your case, your only recourse is to appeal to the Court of Appeal on a point of law (see paragraph 13.1 above). To appeal a decision to the Court of Appeal you must first apply to the Lands Chamber for permission to appeal.

16. OBTAINING LEGAL ADVICE AND FINDING A SOLICITOR

For assistance in finding a solicitor with expertise in the aspect of land law relevant to your matter contact the Law Society of England and Wales. Their website address is: www.lawsociety.org.uk and their general enquiries telephone number is 020 7242 1222. The Law Society does not provide legal advice to members of the public but does provides guides on common legal problems written in plain English, including one on using a solicitor. The guides are available on their website and may be requested in hard copy from the Law Society by calling 0191 428 7439.

The Community Legal Service Direct website also provides a means of finding a local legal adviser or solicitor. Their website address is: www.clsdirect.org and their telephone number is: Tel: 0845 345 4345. Community Legal Service Direct provides free legal information leaflets and factsheets. On their website you may access the leaflets, search for legal information from a selection of the best advice websites in the UK, or search for details of a local legal adviser or solicitor.

To obtain free legal information, advice or assistance you may wish to contact the Citizens’ Advice Bureaux. Their website www.adviceguide.org.uk contains information sheets and also has a search facility to assist you in finding your local office. If you are not able to access the internet you may find details on your local Citizens’ Advice Bureau from your local library.