
STATUTORY INSTRUMENTS

2009 No. 1307

**TRIBUNALS AND INQUIRIES
JUDICIAL APPOINTMENTS AND DISCIPLINE**

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

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

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

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

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

Citation and commencement

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

Commencement Information

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

Transfer of functions and abolition of the Lands Tribunal

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

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

Commencement Information

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

Transfer of persons into the Upper Tribunal

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

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

Commencement Information

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

Transfer of Rules

4. The Lands Tribunal Rules 1996⁽²⁾ have effect as if they were Tribunal Procedure Rules.

Commencement Information

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

Consequential and transitional provisions

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

(2) Schedule 1 contains amendments to primary legislation.

[^{F1}(3) Schedule 2 contains amendments to secondary legislation.]

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

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

(6) Schedule 5 contains transitional and saving provisions.

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

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

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

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

Commencement Information

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

Amendment of local and private Acts, and of Transport and Works Act Orders

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

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

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

Commencement Information

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

By the authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

(5) 1992 c. 42.

SCHEDULE 1

Article 5(1) and (2)

Consequential amendments to primary legislation

Railways Clauses Consolidation Act 1845

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

Improvement of Land Act 1864

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

Commencement Information

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

(6) [1845 c.20](#). Sections 6 and 78 were amended by section 39(3) of and Schedule 7 to the [Compulsory Purchase Act 1965 \(c.56\)](#).

(7) [1864 c.114](#). Section 73 was amended by section 1 of, and Part 13 of Schedule 1 and paragraph 15 of Schedule 2 to, the [Statute Law \(Repeals\) Act 1993 \(c.50\)](#), and was repealed in relation to Scotland by section 76(2) and Part 1 of Schedule 13 to the [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#).

Law of Property Act 1925

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

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

Commencement Information

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

Requisitioned Land and War Works Act 1945

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

““the appropriate tribunal” means—

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

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

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

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

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

Commencement Information

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

Commencement Information

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

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

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

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

Lands Tribunal Act 1949

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

Commencement Information

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

11. In section 1 (establishment and jurisdiction of Lands Tribunal)—

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

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

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

- (h) omit subsection (8).

Commencement Information

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

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

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

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

Commencement Information

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

- 13.** In section 3 (procedure, appeals, costs and fees)—
- (a) in the heading after “fees” insert “in the Lands Tribunal for Scotland”;
 - (b) in subsections (1), (2), (5), (6) and (10) after “Lands Tribunal”, in each place, insert “for Scotland”;
 - (c) omit subsections (4), (8), (11) and (12)(a) and (b);
 - (d) for subsection (6)(c) substitute—
 - “(c) make provision—
 - (i) requiring persons to attend to give evidence and produce documents;
 - (ii) authorising the administration of oaths to witnesses;
 - (iii) granting to any person such recovery of documents as might be granted by the Court of Sessions.”; and
 - (e) in subsection (6C) for “determine” substitute “determines”.

Commencement Information

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

- 14.** In section 4 (power to add to jurisdiction of Lands Tribunal)—
- (a) in the title, for “Lands Tribunal” substitute “Upper Tribunal or Lands Tribunal for Scotland”;
 - (b) in subsection (1)—
 - (i) in the opening words, for “Lands Tribunal” substitute “Upper Tribunal or the Lands Tribunal for Scotland (“the transferee Tribunal”)”; and
 - (ii) in paragraphs (a) and (b) for “Lands Tribunal” substitute “transferee Tribunal”;
 - (c) after subsection (2) insert—

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

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

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

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

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

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

Coast Protection Act 1949

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

⁽¹¹⁾ 1949 c.74.

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

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

Commencement Information

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

National Parks and Access to the Countryside Act 1949

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

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

Commencement Information

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

Landlord and Tenant Act 1954

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

Commencement Information

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

Underground Works (London) Act 1956

21. The Underground Works (London) Act 1956⁽¹⁴⁾ is amended as follows.

Commencement Information

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

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

Commencement Information

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

⁽¹²⁾ 1949 c.97.

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

⁽¹⁴⁾ 1956 c.59.

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

Commencement Information

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

Commencement Information

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

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

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

Land Powers (Defence) Act 1958

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

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

““the appropriate tribunal” means—

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

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

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

Public Records Act 1958

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

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

Commencement Information

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

Opencast Coal Act 1958

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

Commencement Information

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

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

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

Rights of Light Act 1959

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

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

Commencement Information

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

Land Compensation Act 1961

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

(18) 1959 c.56.

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

- 39.** In section 4 (costs)—
- (a) before subsection (1) insert—

“(A1) In any proceedings on a question referred to the Upper Tribunal under section 1 of this Act—

 - (a) the following subsections apply in addition to section 29 of the Tribunals, Courts and Enforcement Act 2007⁽²⁰⁾ (costs or expenses) and provisions in Tribunal Procedure Rules relating to costs; and
 - (b) to the extent that the following subsections conflict with that section or those provisions, that section or those provisions do not apply.”;
 - (b) in subsections (1), (3), (4), and (5) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
 - (c) omit subsection (6).

Commencement Information

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

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

Commencement Information

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

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

⁽²⁰⁾ 2007 c.15.

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

Commencement Information

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

F2 **42.**

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Public Health Act 1961

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

Commencement Information

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

London County Council (General Powers) Act 1962

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

Commencement Information

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

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

Pipe-lines Act 1962

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

Commencement Information

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

48. In section 48 (determination by Lands Tribunal of questions as to compensation)—

- (a) in the heading for “Lands Tribunal” substitute “tribunal”; and
- (b) for “the Lands Tribunal” substitute “, in the application of this Act to England and Wales, the Upper Tribunal or, in the application of this Act to Scotland, the Lands Tribunal for Scotland”.

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

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

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

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

London County Council (General Powers) Act 1963

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

Commencement Information

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

Gas Act 1965

53. The Gas Act 1965⁽²⁵⁾ is amended as follows.

Commencement Information

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

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

Commencement Information

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

55. In section 23 (assessment of compensation)—

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

Commencement Information

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

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

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

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

⁽²⁵⁾ 1965 c.36.

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

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

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

City of London (Various Powers) Act 1965

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

Commencement Information

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

Compulsory Purchase Act 1965

59. The Compulsory Purchase Act 1965(**27**) is amended as follows.

Commencement Information

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

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

Commencement Information

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

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

(26) 1965 c.xxxix.

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

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

Commencement Information

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

73. In Schedule 4 (common land)—

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

Forestry Act 1967

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

Commencement Information

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

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

Commencement Information

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

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

(28) 1967 c.10.

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

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

(2) In subsection (8)—

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

(3) After subsection (8) insert—

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

- (a) in relation to a decision of the Upper Tribunal, the time for applying for permission to appeal to the Court of Appeal, or for applying for permission to appeal from the decision of the Court of Appeal on such an appeal, has not expired; or
- (b) in relation to a decision of the Lands Tribunal for Scotland, the time for requiring the tribunal to state a case with respect thereto, or for appealing from any decision on the points raised by a case so stated, has not expired.”.

(4) Omit subsection (12).

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

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

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

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

(29) 1967 c.22.

(30) 1967 c.xlii.

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

Leasehold Reform Act 1967

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

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

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

Commencement Information

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

Commencement Information

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

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

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

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

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

Port of London Act 1968

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

Transport Act 1968

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

Commencement Information

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

Greater London Council (General Powers) Act 1969

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

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

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

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

Taxes Management Act 1970

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

Commencement Information

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

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

Courts Act 1971

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

Commencement Information

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

Thames Barrier and Flood Prevention Act 1972

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

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

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

(37) 1972 c.xlv.

Commencement Information

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

Criminal Justice Act 1972

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

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

Commencement Information

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

Land Compensation Act 1973

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

(38) 1972 c.71.

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

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

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

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

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

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

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

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

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

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

Reservoirs Act 1975

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

Commencement Information

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

House of Commons Disqualification Act 1975

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

Commencement Information

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

(40) 1975 c.23.

(41) 1975 c.24.

Northern Ireland Assembly Disqualification Act 1975

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

Commencement Information

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

Litigants in Person (Costs and Expenses) Act 1975

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

Commencement Information

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

Welsh Development Agency Act 1975

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

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

Commencement Information

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

Local Government (Miscellaneous Provisions) Act 1976

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

Commencement Information

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

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

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

(42) 1975 c.25.

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

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

(45) 1976 c.57.

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

Commencement Information

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

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

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

Commencement Information

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

121. In paragraph 7 of Part 2 of Schedule 1 (adaptation of enactments), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

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

Commencement Information

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

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

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

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

Rentcharges Act 1977

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

Commencement Information

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

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

Commencement Information

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

(46) 1977 c.30.

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

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

Ancient Monuments and Archaeological Areas Act 1979

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

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

Commencement Information

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

Commencement Information

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

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

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

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

Local Government, Planning and Land Act 1980

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

Commencement Information

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

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

(a) in subsection (9)—

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

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

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

(b) in subsection (13)—

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

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

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

Commencement Information

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

132. In paragraph 23(2) of Part 4 of Schedule 28 (urban development corporations: land), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

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

Commencement Information

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

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

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

Highways Act 1980

133. The Highways Act 1980(49) is amended as follows.

Commencement Information

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

134. In section 261(1), (2), (3), (4) and (5) (benefit to vendor to be taken into account in assessing compensation on certain compulsory acquisitions for highway purposes) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

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

135. In section 262(1)(b) and (2)(b) (assumptions to be made in assessing compensation on certain compulsory acquisitions of land for service stations etc and lorry areas for special roads) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

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

136. In section 271(3) (provisions with respect to transfer of toll highways to highway authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

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

137. In section 307 (disputes as to compensation which are to be determined by Lands Tribunal and related provisions)—

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

Commencement Information

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

(49) 1980 c.66.

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

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

Commencement Information

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

Commencement Information

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

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

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

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

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

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

Judicial Pensions Act 1981

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

Commencement Information

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

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

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

Commencement Information

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

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

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

Commencement Information

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

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

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

Commencement Information

- I145 Sch. 1 para. 139 in force at 1.6.2009, see [art. 1](#)
- I146 Sch. 1 para. 140 in force at 1.6.2009, see [art. 1](#)
- I147 Sch. 1 para. 141 in force at 1.6.2009, see [art. 1](#)

New Towns Act 1981

142. The New Towns Act 1981(51) is amended as follows.

Commencement Information

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

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

Commencement Information

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

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

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

Commencement Information

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

Commencement Information

- I148 Sch. 1 para. 142 in force at 1.6.2009, see [art. 1](#)
- I149 Sch. 1 para. 143 in force at 1.6.2009, see [art. 1](#)
- I150 Sch. 1 para. 144 in force at 1.6.2009, see [art. 1](#)

Compulsory Purchase (Vesting Declarations) Act 1981

145. The Compulsory Purchase (Vesting Declarations) Act 1981(52) is amended as follows.

(51) 1981 c.64.
(52) 1981 c.66.

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

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

Acquisition of Land Act 1981

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

Commencement Information

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

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

Commencement Information

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

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

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

Commencement Information

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

Commencement Information

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

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

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

Civil Aviation Act 1982

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

156. In section 105 (general interpretation)—

(a) in subsection (1)—

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

(ii) in the appropriate place, insert—

““the appropriate tribunal” means—

(54) 1982 c.16.

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

(b) omit subsection (5).

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

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

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

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

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

Aviation Security Act 1982

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

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

Commencement Information

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

(55) 1982 c.36.

Mental Health Act 1983

160. The Mental Health Act 1983⁽⁵⁶⁾ is amended as follows.

Commencement Information

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

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

Commencement Information

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

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

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

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

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

Commencement Information

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

Commencement Information

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

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

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

National Heritage Act 1983

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

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

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

Commencement Information

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

⁽⁵⁶⁾ 1983 c.20.

⁽⁵⁷⁾ 1983 c.47.

Telecommunications Act 1984

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

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

Commencement Information

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

Road Traffic Regulation Act 1984

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

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

Commencement Information

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

Cycle Tracks Act 1984

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

⁽⁵⁸⁾ 1984 c.12.

⁽⁵⁹⁾ 1984 c.27.

⁽⁶⁰⁾ 1984 c.xlv.

Commencement Information

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

Inheritance Tax Act 1984

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

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

Commencement Information

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

Mineral Workings Act 1985

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

Commencement Information

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

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

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

Commencement Information

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

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

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

Commencement Information

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

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

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

Commencement Information

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

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

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

Housing Act 1985

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

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

Commencement Information

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

Commencement Information

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

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

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

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

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

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

Landlord and Tenant Act 1985

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

Commencement Information

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

Greater London Council (General Powers) Act 1986

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

Commencement Information

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

Gas Act 1986

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

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

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

(65) 1986 c.iv.

(66) 1986 c.44.

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

Commencement Information

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

Landlord and Tenant Act 1987

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

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

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

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

Channel Tunnel Act 1987

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

Commencement Information

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

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

Commencement Information

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

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

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

Commencement Information

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

Commencement Information

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

Local Government Finance Act 1988

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

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

(68) 1987 c.53.

(69) 1988 c.41.

Commencement Information

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

Housing Act 1988

189. In paragraph 22 of Part 3 of Schedule 10 to the Housing Act 1988(**70**) (housing action trusts: land), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

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

Electricity Act 1989

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

Commencement Information

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

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

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

Commencement Information

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

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

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

Commencement Information

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

Commencement Information

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

(70) 1988 c.50.

(71) 1989 c.29.

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

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

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

Town and Country Planning Act 1990

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

Commencement Information

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

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

Commencement Information

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

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

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

(72) 1990 c.8.

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

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

Commencement Information

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

Commencement Information

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

Planning (Listing Buildings and Conservation Areas) Act 1990

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

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

Commencement Information

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

Aviation and Maritime Security Act 1990

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

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

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

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

Commencement Information

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

Courts and Legal Services Act 1990

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

Commencement Information

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

Planning and Compensation Act 1991

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

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

Commencement Information

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

Coal Mining Subsidence Act 1991

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

Commencement Information

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

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

Commencement Information

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

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

(75) 1990 c.41.

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

(77) 1991 c.45.

Commencement Information

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

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

““the appropriate tribunal” means—

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

Commencement Information

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

Commencement Information

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

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

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

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

Water Industry Act 1991

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

Commencement Information

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

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

Commencement Information

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

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

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

Commencement Information

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

Child Support Act 1991

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

(79) 2009 c. 3.

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

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

Commencement Information

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

Water Resources Act 1991

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

Commencement Information

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

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

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

Commencement Information

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

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

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

Commencement Information

I235 Sch. 1 para. 229 in force at 1.6.2009, see [art. 1](#)

230. In section 63(4)(b) (Secretary of State to indemnify Agency in certain cases) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I236 Sch. 1 para. 230 in force at 1.6.2009, see [art. 1](#)

231. In paragraphs 3(2) and 4(2), (3) and (4) of Schedule 9 (compensation in respect of drought orders) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I237 Sch. 1 para. 231 in force at 1.6.2009, see [art. 1](#)

232. In paragraph 4 of Schedule 18 (modification of compensation provisions etc. in relation to the creation of new rights), in the provisions substituted for subsection 8(1) of the Compulsory Purchase Act 1965—

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

Commencement Information

I238 Sch. 1 para. 232 in force at 1.6.2009, see [art. 1](#)

233. In paragraph 8(6) of Schedule 19 (orders conferring compulsory works powers)—

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

Commencement Information

I239 Sch. 1 para. 233 in force at 1.6.2009, see [art. 1](#)

234. In paragraph 6(3)(a) of Schedule 20 (supplemental provisions with respect to powers of entry) for “President of the Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I240 Sch. 1 para. 234 in force at 1.6.2009, see [art. 1](#)

235. In Schedule 21 (compensation etc. in respect of certain works powers)—

- (a) in paragraph 3(1)—
 - (i) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (ii) for “sections 2 and” substitute “section”; and
- (b) in paragraph 5(2) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I241 Sch. 1 para. 235 in force at 1.6.2009, see [art. 1](#)

236. In paragraph 2(4) of Schedule 23 (mineral rights) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I242 Sch. 1 para. 236 in force at 1.6.2009, see [art. 1](#)

Commencement Information

- I233 Sch. 1 para. 227 in force at 1.6.2009, see [art. 1](#)
- I234 Sch. 1 para. 228 in force at 1.6.2009, see [art. 1](#)
- I235 Sch. 1 para. 229 in force at 1.6.2009, see [art. 1](#)
- I236 Sch. 1 para. 230 in force at 1.6.2009, see [art. 1](#)
- I237 Sch. 1 para. 231 in force at 1.6.2009, see [art. 1](#)
- I238 Sch. 1 para. 232 in force at 1.6.2009, see [art. 1](#)
- I239 Sch. 1 para. 233 in force at 1.6.2009, see [art. 1](#)
- I240 Sch. 1 para. 234 in force at 1.6.2009, see [art. 1](#)
- I241 Sch. 1 para. 235 in force at 1.6.2009, see [art. 1](#)
- I242 Sch. 1 para. 236 in force at 1.6.2009, see [art. 1](#)

Land Drainage Act 1991

237. The Land Drainage Act 1991(82) is amended as follows.

Commencement Information

- I243 Sch. 1 para. 237 in force at 1.6.2009, see [art. 1](#)

238. In section 14(6) (general drainage powers of boards and local authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I244 Sch. 1 para. 238 in force at 1.6.2009, see [art. 1](#)

239. In section 22(7) (powers of ministers to authorise landowners to carry out drainage works) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I245 Sch. 1 para. 239 in force at 1.6.2009, see [art. 1](#)

240. In section 29(6) (effect of order under section 28) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I246 Sch. 1 para. 240 in force at 1.6.2009, see [art. 1](#)

241. In section 46(6) (hearing and determination of appeals under section 45) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

- I247 Sch. 1 para. 241 in force at 1.6.2009, see [art. 1](#)

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

242. In section 64(5) (powers of entry for internal drainage boards and local authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I248 Sch. 1 para. 242 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I243 Sch. 1 para. 237 in force at 1.6.2009, see [art. 1](#)

I244 Sch. 1 para. 238 in force at 1.6.2009, see [art. 1](#)

I245 Sch. 1 para. 239 in force at 1.6.2009, see [art. 1](#)

I246 Sch. 1 para. 240 in force at 1.6.2009, see [art. 1](#)

I247 Sch. 1 para. 241 in force at 1.6.2009, see [art. 1](#)

I248 Sch. 1 para. 242 in force at 1.6.2009, see [art. 1](#)

Transport and Works Act 1992

243. In section 53(6) of the Transport and Works Act 1992(**83**) (rights to enter land) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

Commencement Information

I249 Sch. 1 para. 243 in force at 1.6.2009, see [art. 1](#)

Tribunals and Inquiries Act 1992

244. The Tribunals and Inquiries Act 1992(**84**) is amended as follows.

Commencement Information

I250 Sch. 1 para. 244 in force at 1.6.2009, see [art. 1](#)

245. In section 11(1) (appeals from certain tribunals) omit “, 44”.

Commencement Information

I251 Sch. 1 para. 245 in force at 1.6.2009, see [art. 1](#)

246. In Part 1 of Schedule 1 (tribunals under direct supervision of council) omit the entry at paragraph 27 relating to the Lands Tribunal.

Commencement Information

I252 Sch. 1 para. 246 in force at 1.6.2009, see [art. 1](#)

(83) 1992 c.42.

(84) 1992 c.53.

Commencement Information

I250 Sch. 1 para. 244 in force at 1.6.2009, see [art. 1](#)

I251 Sch. 1 para. 245 in force at 1.6.2009, see [art. 1](#)

I252 Sch. 1 para. 246 in force at 1.6.2009, see [art. 1](#)

Judicial Pensions and Retirement Act 1993

247. The Judicial Pensions and Retirement Act 1993⁽⁸⁵⁾ is amended as follows.

Commencement Information

I253 Sch. 1 para. 247 in force at 1.6.2009, see [art. 1](#)

248. In Part 2 of Schedule 1 (the offices which may be qualifying judicial offices – members of tribunals) in the entry for President or other member of the Lands Tribunal, the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland, omit “the Lands Tribunal,”.

Commencement Information

I254 Sch. 1 para. 248 in force at 1.6.2009, see [art. 1](#)

249. In Schedule 5 (retirement provisions: the relevant offices) in the entry for President or other member of the Lands Tribunal, the Lands Tribunal for Scotland or the Lands Tribunal for Northern Ireland, omit “the Lands Tribunal,”.

Commencement Information

I255 Sch. 1 para. 249 in force at 1.6.2009, see [art. 1](#)

250. In Schedule 7 (retirement dates: transitional provisions) in paragraph 5(2)(b) and (5)(x) omit “of the Lands Tribunal, or”.

Commencement Information

I256 Sch. 1 para. 250 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I253 Sch. 1 para. 247 in force at 1.6.2009, see [art. 1](#)

I254 Sch. 1 para. 248 in force at 1.6.2009, see [art. 1](#)

I255 Sch. 1 para. 249 in force at 1.6.2009, see [art. 1](#)

I256 Sch. 1 para. 250 in force at 1.6.2009, see [art. 1](#)

Cardiff Bay Barrage Act 1993

251. The Cardiff Bay Barrage Act 1993⁽⁸⁶⁾ is amended as follows.

Commencement Information

I257 Sch. 1 para. 251 in force at 1.6.2009, see [art. 1](#)

252. In paragraph 13(2) of Schedule 2 (works: supplementary – compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I258 Sch. 1 para. 252 in force at 1.6.2009, see [art. 1](#)

253. In paragraph 6(3) of Schedule 5 (temporary occupation and use of land) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I259 Sch. 1 para. 253 in force at 1.6.2009, see [art. 1](#)

254. In paragraphs 16(4) and 27(2) of Schedule 7 (groundwater damage protection) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I260 Sch. 1 para. 254 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I257 Sch. 1 para. 251 in force at 1.6.2009, see [art. 1](#)

I258 Sch. 1 para. 252 in force at 1.6.2009, see [art. 1](#)

I259 Sch. 1 para. 253 in force at 1.6.2009, see [art. 1](#)

I260 Sch. 1 para. 254 in force at 1.6.2009, see [art. 1](#)

Coal Industry Act 1994

255. The Coal Industry Act 1994⁽⁸⁷⁾ is amended as follows.

Commencement Information

I261 Sch. 1 para. 255 in force at 1.6.2009, see [art. 1](#)

256. In section 47 (disputes etc. as to subsidence matters)—

- (a) in subsections (1), (2)(b), (4) and (9)(d) for “Lands Tribunal” substitute “appropriate tribunal”;

⁽⁸⁶⁾ 1993 c.42.

⁽⁸⁷⁾ 1994 c.21. Schedule 1B was inserted by section 85(2) of and Schedule 6 to the [Water Act 2003 \(c.37\)](#).

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

- (b) in subsection (4) for “that Tribunal” substitute “that tribunal”; and
- (c) in subsection (10) omit the definition of “the Lands Tribunal” and insert in the appropriate place—
 - ““the appropriate tribunal” means—
 - (a) in relation to England and Wales, the Upper Tribunal;
 - (b) in relation to Scotland, the Lands Tribunal for Scotland; and”.

Commencement Information

I262 Sch. 1 para. 256 in force at 1.6.2009, see [art. 1](#)

257. In section 59(2)(e) (information to be kept confidential by the Authority) for “Lands Tribunal or” substitute “Upper Tribunal or”.

Commencement Information

I263 Sch. 1 para. 257 in force at 1.6.2009, see [art. 1](#)

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

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

Commencement Information

I264 Sch. 1 para. 258 in force at 1.6.2009, see [art. 1](#)

259. In paragraph 6(5) and (6) of Part 1 of Schedule 7 (retained interests in copyhold land) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I265 Sch. 1 para. 259 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I261 Sch. 1 para. 255 in force at 1.6.2009, see [art. 1](#)

I262 Sch. 1 para. 256 in force at 1.6.2009, see [art. 1](#)

I263 Sch. 1 para. 257 in force at 1.6.2009, see [art. 1](#)

I264 Sch. 1 para. 258 in force at 1.6.2009, see [art. 1](#)

I265 Sch. 1 para. 259 in force at 1.6.2009, see [art. 1](#)

British Waterways Act 1995

- 260.** In section 2(1) of the British Waterways Act 1995⁽⁸⁸⁾ (interpretation)—
- (a) in the definition of “the specified provisions” for “sections 2(2) to (5) and” substitute “section”; and
 - (b) in the definition of “the tribunal” for “Lands Tribunal or” substitute “Upper Tribunal or”.

Commencement Information

I266 Sch. 1 para. 260 in force at 1.6.2009, see [art. 1](#)

Housing Act 1996

261. In Schedule 5 of the Housing Act 1996⁽⁸⁹⁾ (text of Part 2 of the Landlord and Tenant Act 1987, as amended) in section 24A(6) and (7) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

Commencement Information

I267 Sch. 1 para. 261 in force at 1.6.2009, see [art. 1](#)

Channel Tunnel Rail Link Act 1996

262.—(1) Part 3 of Schedule 4 to the Channel Tunnel Rail Link Act 1996⁽⁹⁰⁾ (acquisition of land within limits shown on deposited plans) is amended as follows.

(2) In paragraph 9(3), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) in paragraph (b) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (ii) in paragraph (c)—
 - (aa) for “Lands Tribunal have” substitute “Upper Tribunal has”; and
 - (bb) for “them” substitute “the Upper Tribunal”;
- (b) in subsection (1B)(b) for “Lands Tribunal direct” substitute “Upper Tribunal directs”;
- (c) in subsection (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (d) in subsection (1D)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “them” substitute “the Upper Tribunal”.

(3) In paragraph 9(10), in the provision substituted for section 58 of the Land Compensation Act 1973, for “Lands Tribunal” substitute “Upper Tribunal”.

(4) In paragraph 11—

- (a) in sub-paragraph (5) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in sub-paragraphs (6) to (11) for “Lands Tribunal determine” substitute “Upper Tribunal determines”.

⁽⁸⁸⁾ 1995 c.i.

⁽⁸⁹⁾ 1996 c.52.

⁽⁹⁰⁾ 1996 c.61.

(5) In paragraph 12(1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I268 Sch. 1 para. 262 in force at 1.6.2009, see [art. 1](#)

Government of Wales Act 1998

263. In paragraph 15(4) of Schedule 13 to the Government of Wales Act 1998⁽⁹¹⁾ (Welsh Development Agency: Land Provisions)—

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

Commencement Information

I269 Sch. 1 para. 263 in force at 1.6.2009, see [art. 1](#)

Regional Development Agencies Act 1998

264. In paragraph 4 of Part 2 of Schedule 5 to the Regional Development Agencies Act 1998⁽⁹²⁾ (acquisition of land), in the provisions substituted for sections 7 and 8 of the Compulsory Purchase Act 1965, in section 8(1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I270 Sch. 1 para. 264 in force at 1.6.2009, see [art. 1](#)

Postal Services Act 2000

265. The Postal Services Act 2000⁽⁹³⁾ is amended as follows.

Commencement Information

I271 Sch. 1 para. 265 in force at 1.6.2009, see [art. 1](#)

266. In paragraph 8 of Part 2 of Schedule 5 (acquisition of land), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsections (1A) and (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (1B) for “Lands Tribunal make” substitute “Upper Tribunal makes”.

Commencement Information

I272 Sch. 1 para. 266 in force at 1.6.2009, see [art. 1](#)

267. In paragraph 5(2) of Schedule 6 (further provisions relating to land)—

⁽⁹¹⁾ 1998 c.38.

⁽⁹²⁾ 1998 c.45.

⁽⁹³⁾ 2000 c.26.

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

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

Commencement Information

I273 Sch. 1 para. 267 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I271 Sch. 1 para. 265 in force at 1.6.2009, see [art. 1](#)

I272 Sch. 1 para. 266 in force at 1.6.2009, see [art. 1](#)

I273 Sch. 1 para. 267 in force at 1.6.2009, see [art. 1](#)

Fur Farming (Prohibition) Act 2000

268. In section 5(6) of the Fur Farming (Prohibition) Act 2000(**94**) (compensation for existing businesses) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I274 Sch. 1 para. 268 in force at 1.6.2009, see [art. 1](#)

Commonhold and Leasehold Reform Act 2002

- 269.** In section 175 of the Commonhold and Leasehold Reform Act 2002(**95**) (appeals)—
- (a) in subsections (1), (2)(b), (4), (5) and (6) for “Lands Tribunal” in each place substitute “Upper Tribunal”; and
 - (b) omit subsections (3) and (10).

Commencement Information

I275 Sch. 1 para. 269 in force at 1.6.2009, see [art. 1](#)

Finance Act 2003

270. In paragraph 45 of Part 7 of Schedule 10 to the Finance Act 2003(**96**) (appeals against Revenue decisions on tax: questions to be determined by the relevant Lands Tribunal)—

- (a) in the heading and sub-paragraph (1) for “Lands Tribunal” substitute “tribunal”; and
- (b) in sub-paragraph (2)—
 - (i) for “regulation “the relevant Lands Tribunal”” substitute “paragraph “the relevant tribunal””; and
 - (ii) in paragraph (a) for “Lands Tribunal” substitute “Upper Tribunal”.

(94) 2000 c.33.

(95) 2002 c.15.

(96) 2003 c. 14. Paragraph 45 was inserted by paragraph 393 of Schedule 1 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56).

Commencement Information

I276 Sch. 1 para. 270 in force at 1.6.2009, see [art. 1](#)

Housing Act 2004

271. The Housing Act 2004(97) is amended as follows.

Commencement Information

I277 Sch. 1 para. 271 in force at 1.6.2009, see [art. 1](#)

272. In section 42(4)(b)(i) and (ii) (recovery of expenses of taking emergency remedial action) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I278 Sch. 1 para. 272 in force at 1.6.2009, see [art. 1](#)

273. In section 50(7)(a) (recovery of charge under section 49) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I279 Sch. 1 para. 273 in force at 1.6.2009, see [art. 1](#)

274. In section 143(4)(a) and (b) (appeals against overcrowding notices) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I280 Sch. 1 para. 274 in force at 1.6.2009, see [art. 1](#)

275. In section 181(3) (exceptions to the right to buy: determination whether exception for dwelling-house suitable for elderly persons applies), in the inserted paragraph (5B), for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I281 Sch. 1 para. 275 in force at 1.6.2009, see [art. 1](#)

276. In section 231 (appeals from residential property tribunals)—

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

“(2) But the appeal may only be made with the permission of the residential property tribunal or the Upper Tribunal.”; and

- (c) omit subsection (5).

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

Commencement Information

I282 Sch. 1 para. 276 in force at 1.6.2009, see [art. 1](#)

277. In section 255(7)(a) and (b) (HMO declarations) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I283 Sch. 1 para. 277 in force at 1.6.2009, see [art. 1](#)

278. In paragraphs 19(2)(a) and (b) and 20(3)(a) and (b) of Part 3 of Schedule 1 (procedure and appeals relating to improvement notices) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I284 Sch. 1 para. 278 in force at 1.6.2009, see [art. 1](#)

279. In paragraphs 14(2)(a) and (b) and 15(3)(a) and (b) of Part 3 of Schedule 2 (procedure and appeals relating to prohibition orders) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I285 Sch. 1 para. 279 in force at 1.6.2009, see [art. 1](#)

280. In paragraph 11(6)(a) and (b) of Part 3 of Schedule 3 (improvement notices: enforcement action by local housing authorities) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I286 Sch. 1 para. 280 in force at 1.6.2009, see [art. 1](#)

281. In paragraph 35(3)(a) and (b) of Part 3 of Schedule 5 (licences under Parts 2 and 3: procedure and appeals) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I287 Sch. 1 para. 281 in force at 1.6.2009, see [art. 1](#)

282. In paragraphs 27(3)(a) and (b) and 31(3)(a) and (b) of Part 3 of Schedule 6 (management orders: procedure and appeals) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I288 Sch. 1 para. 282 in force at 1.6.2009, see [art. 1](#)

283. In paragraphs 29(3)(a) and (b) and 33(3)(a) and (b) of Part 4 of Schedule 7 (further provisions regarding empty dwelling management orders) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I289 Sch. 1 para. 283 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I277 Sch. 1 para. 271 in force at 1.6.2009, see [art. 1](#)

I278 Sch. 1 para. 272 in force at 1.6.2009, see [art. 1](#)

I279 Sch. 1 para. 273 in force at 1.6.2009, see [art. 1](#)

I280 Sch. 1 para. 274 in force at 1.6.2009, see [art. 1](#)

I281 Sch. 1 para. 275 in force at 1.6.2009, see [art. 1](#)

I282 Sch. 1 para. 276 in force at 1.6.2009, see [art. 1](#)

I283 Sch. 1 para. 277 in force at 1.6.2009, see [art. 1](#)

I284 Sch. 1 para. 278 in force at 1.6.2009, see [art. 1](#)

I285 Sch. 1 para. 279 in force at 1.6.2009, see [art. 1](#)

I286 Sch. 1 para. 280 in force at 1.6.2009, see [art. 1](#)

I287 Sch. 1 para. 281 in force at 1.6.2009, see [art. 1](#)

I288 Sch. 1 para. 282 in force at 1.6.2009, see [art. 1](#)

I289 Sch. 1 para. 283 in force at 1.6.2009, see [art. 1](#)

Constitutional Reform Act 2005

284. The Constitutional Reform Act 2005(**98**) is amended as follows.

Commencement Information

I290 Sch. 1 para. 284 in force at 1.6.2009, see [art. 1](#)

285. In Schedule 7 (protected functions of the Lord Chancellor) omit the entry relating to the Lands Tribunal Act 1949.

Commencement Information

I291 Sch. 1 para. 285 in force at 1.6.2009, see [art. 1](#)

286. In Part 3 of Schedule 14 (appointments by the Lord Chancellor: offices to which paragraph 12(2)(d) of Schedule 12 applies) omit the entry relating to a President or Member of the Lands Tribunal.

Commencement Information

I292 Sch. 1 para. 286 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I290 Sch. 1 para. 284 in force at 1.6.2009, see [art. 1](#)

I291 Sch. 1 para. 285 in force at 1.6.2009, see [art. 1](#)

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

I292 Sch. 1 para. 286 in force at 1.6.2009, see [art. 1](#)

London Olympic Games and Paralympic Games Act 2006

287. In section 4 of the London Olympic Games and Paralympic Games Act 2006(**99**) (general functions)—

- (a) in subsection (5)(a) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (6)(a) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

Commencement Information

I293 Sch. 1 para. 287 in force at 1.6.2009, see [art. 1](#)

Criminal Justice and Immigration Act 2008

288. In section 135 of the Criminal Justice and Immigration Act 2008(**100**) (support: supplemental)—

- (a) omit subsection (3); and
- (b) in subsection (4) omit “other”.

Commencement Information

I294 Sch. 1 para. 288 in force at 1.6.2009, see [art. 1](#)

Housing and Regeneration Act 2008

289. In paragraph 11 of Part 1 of Schedule 2 to the Housing and Regeneration Act 2008(**101**) (acquisition of land), in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(b)(i) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I295 Sch. 1 para. 289 in force at 1.6.2009, see [art. 1](#)

Crossrail Act 2008

290.—(1) Part 3 of Schedule 6 to the Crossrail Act 2008(**102**) (acquisition of land shown within limits on deposited plans) is amended as follows.

(2) In paragraph 7(3), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
 - (i) in paragraph (b) for “Lands Tribunal” substitute “Upper Tribunal”; and

(99) 2006 c.12.

(100) 2008 c.4.

(101) 2008 c.17.

(102) 2008 c.18.

- (ii) in paragraph (c)—
 - (aa) for “Lands Tribunal have” substitute “Upper Tribunal has”; and
 - (bb) for “them” substitute “the Upper Tribunal”;
- (b) in subsection (1B)(b) for “Lands Tribunal direct” substitute “Upper Tribunal directs”;
- (c) in subsection (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (d) in subsection (1D)—
 - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
 - (ii) for “them” substitute “the Upper Tribunal”.

(3) In paragraph 7(10), in the provision substituted for section 58 of the Land Compensation Act 1973, in subsection (1) for “Lands Tribunal” substitute “Upper Tribunal”.

(4) In paragraph 14(5) for “Lands Tribunal” substitute “Upper Tribunal”.

(5) In paragraph 15(1) to (6) for “Lands Tribunal determine” substitute “Upper Tribunal determines”.

(6) In paragraph 16(1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I296 Sch. 1 para. 290 in force at 1.6.2009, see [art. 1](#)

Planning Act 2008

291. The Planning Act 2008(**103**) is amended as follows.

Commencement Information

I297 Sch. 1 para. 291 in force at 1.6.2009, see [art. 1](#)

292. In section 53(8) (rights of entry) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I298 Sch. 1 para. 292 in force at 1.6.2009, see [art. 1](#)

293. In section 152(4) (compensation in case where no right to claim in nuisance) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I299 Sch. 1 para. 293 in force at 1.6.2009, see [art. 1](#)

294. In section 165 (rights of entry: supplementary provisions)—

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

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

Commencement Information

I300 Sch. 1 para. 294 in force at 1.6.2009, see [art. 1](#)

295. In section 192(7) (tree preservation orders), in the provision to be inserted as section 202E(6) in the Town and Country Planning Act 1990, omit “the Lands Tribunal,”.

Commencement Information

I301 Sch. 1 para. 295 in force at 1.6.2009, see [art. 1](#)

296. In section 219 (compensation) —

- (a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in subsection (7) for “sections 2 and” substitute “section”.

Commencement Information

I302 Sch. 1 para. 296 in force at 1.6.2009, see [art. 1](#)

297. In paragraphs 6(6)(a) and 7(3)(d) of Schedule 6 (changes to, and revocation of, orders granting development consent) omit “the Lands Tribunal,”.

Commencement Information

I303 Sch. 1 para. 297 in force at 1.6.2009, see [art. 1](#)

298. In Schedule 12 (application of Act to Scotland: modifications)—

- (a) in paragraphs 7(b), 20(a) and 22(b) for “Lands Tribunal were” substitute “Upper Tribunal were”; and
- (b) in paragraph 22(c) for “sections 2 and” substitute “section”.

Commencement Information

I304 Sch. 1 para. 298 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I297 Sch. 1 para. 291 in force at 1.6.2009, see [art. 1](#)

I298 Sch. 1 para. 292 in force at 1.6.2009, see [art. 1](#)

I299 Sch. 1 para. 293 in force at 1.6.2009, see [art. 1](#)

I300 Sch. 1 para. 294 in force at 1.6.2009, see [art. 1](#)

I301 Sch. 1 para. 295 in force at 1.6.2009, see [art. 1](#)

I302 Sch. 1 para. 296 in force at 1.6.2009, see [art. 1](#)

I303 Sch. 1 para. 297 in force at 1.6.2009, see [art. 1](#)

I304 Sch. 1 para. 298 in force at 1.6.2009, see [art. 1](#)

SCHEDULE 2

Article 5(1) and (3)

Consequential amendments to secondary legislation

Lands Tribunal (Statutory Undertakers Compensation Jurisdiction) Order 1952

1. The Lands Tribunal (Statutory Undertakers Compensation Jurisdiction) Order 1952(**104**) is amended as follows.

.....
Commencement Information

I305 Sch. 2 para. 1 in force at 1.6.2009, see [art. 1](#)

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

.....
Commencement Information

I306 Sch. 2 para. 2 in force at 1.6.2009, see [art. 1](#)

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

.....
Commencement Information

I307 Sch. 2 para. 3 in force at 1.6.2009, see [art. 1](#)

.....
Commencement Information

I305 Sch. 2 para. 1 in force at 1.6.2009, see [art. 1](#)

I306 Sch. 2 para. 2 in force at 1.6.2009, see [art. 1](#)

I307 Sch. 2 para. 3 in force at 1.6.2009, see [art. 1](#)

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

4. The Landlord and Tenant (Determination of Rateable Value Procedure) Rules 1954(**105**) are amended as follows.

.....
Commencement Information

I308 Sch. 2 para. 4 in force at 1.6.2009, see [art. 1](#)

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

.....
Commencement Information

I309 Sch. 2 para. 5 in force at 1.6.2009, see [art. 1](#)

(104) S.I. 1952/161.
(105) S.I. 1954/1255.

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

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

Commencement Information

I310 Sch. 2 para. 6 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I308 Sch. 2 para. 4 in force at 1.6.2009, see [art. 1](#)

I309 Sch. 2 para. 5 in force at 1.6.2009, see [art. 1](#)

I310 Sch. 2 para. 6 in force at 1.6.2009, see [art. 1](#)

Government Oil Pipe-Lines Regulations 1959

7. In regulation 7(1) and (2) of the Government Oil Pipe-Lines Regulations 1959(**106**) (determination of disputes) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I311 Sch. 2 para. 7 in force at 1.6.2009, see [art. 1](#)

Opencast Coal (Fees) Regulations 1960

8. In paragraph 1(a) of the Schedule to the Opencast Coal (Fees) Regulations 1960(**107**) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I312 Sch. 2 para. 8 in force at 1.6.2009, see [art. 1](#)

Registers of Drainage Boards Regulations 1968

9. In regulation 13(4) of the Registers of Drainage Boards Regulations 1968(**108**) (appeals)—
- (a) in sub-paragraphs (a) and (b) for “Lands Tribunal” substitute “Upper Tribunal”;
 - (b) in sub-paragraph (b) for the words from “the Tribunal may be required” to the end substitute “an appeal may be brought against that decision to the Court of Appeal expires without any such appeal having been brought.”;
 - (c) in sub-paragraph (c)—
 - (i) omit “in pursuance of such a requirement such a case is stated and signed and”; and
 - (ii) for “on that case” substitute “on that appeal”;
 - (d) in sub-paragraph (e) omit “or case stated”; and
 - (e) in sub-paragraph (f) omit “or for the opinion of which a case has been stated”.

(**106**)S.I. 1959/715.
(**107**)S.I. 1960/194.
(**108**)S.I. 1968/1672.

Commencement Information

I313 Sch. 2 para. 9 in force at 1.6.2009, see [art. 1](#)

Pensions Increase (Judicial Pensions) Regulations 1972

10. Omit paragraph 15 of the Schedule to the Pensions Increase (Judicial Pensions) Regulations 1972(**109**) (judicial pensions – tables of multipliers).

Commencement Information

I314 Sch. 2 para. 10 in force at 1.6.2009, see [art. 1](#)

Pensions Increase (Judicial Pensions) Regulations 1974

11. Omit paragraph 5 of the Schedule to the Pensions Increase (Judicial Pensions) Regulations 1974(**110**) (judicial pensions to which the 1974 Act is to apply).

Commencement Information

I315 Sch. 2 para. 11 in force at 1.6.2009, see [art. 1](#)

Town and Country Planning (Compensation and Certificates) Regulations 1974

12. The Town and Country Planning (Compensation and Certificates) Regulations 1974(**111**) are amended as follows.

Commencement Information

I316 Sch. 2 para. 12 in force at 1.6.2009, see [art. 1](#)

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

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

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

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

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

Commencement Information

I317 Sch. 2 para. 13 in force at 1.6.2009, see [art. 1](#)

- 14.** In regulation 12 (claims by rentcharge owners – disputes)—
- (a) in paragraph (3) for the words from “, within thirty days” to the end substitute “refer the dispute to the Upper Tribunal.”;
 - (b) in paragraph (4) for “notice of dispute has been given” substitute “dispute has been referred to the Upper Tribunal”;
 - (c) in paragraph (5) for “give a notice of dispute” substitute “refer a dispute to the Upper Tribunal”;
 - (d) in paragraph (6) for the words from “shall, on compliance” to the end substitute “shall be entitled to be a party to any proceedings under this regulation in the Upper Tribunal.”;
 - (e) in paragraph (7)—
 - (i) for “Lands Tribunal” in each place substitute “Upper Tribunal”;
 - (ii) omit “by their decision” in each place; and
 - (iii) omit “and shall notify the parties of their decision”; and
 - (f) in paragraph (8) for “Lands Tribunal vary” substitute “Upper Tribunal varies”.

Commencement Information

I318 Sch. 2 para. 14 in force at 1.6.2009, see [art. 1](#)

- 15.** In regulation 15 (contributions by Secretary of State under Part 8 of the Act – disputes)—
- (a) in paragraph (1) for the words from “within 30 days” to “to the Lands Tribunal for determination” substitute “refer the dispute to the Upper Tribunal”;
 - (b) in paragraph (2) for the words from “shall be entitled” to the end substitute “shall be entitled to be a party to any proceedings under this regulation in the Upper Tribunal.”; and
 - (c) in paragraph (3)—
 - (i) for “Lands Tribunal” substitute “Upper Tribunal”;
 - (ii) omit “by their decision”; and
 - (iii) omit “, and shall notify the parties of their decision”.

Commencement Information

I319 Sch. 2 para. 15 in force at 1.6.2009, see [art. 1](#)

- 16.** In paragraph 4(b)(ii) of Schedule 2 (provisions for determining rentcharge payments)—
- (a) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (b) for “them” substitute “it”.

Commencement Information

I320 Sch. 2 para. 16 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I316 Sch. 2 para. 12 in force at 1.6.2009, see [art. 1](#)

I317 Sch. 2 para. 13 in force at 1.6.2009, see [art. 1](#)

I318 Sch. 2 para. 14 in force at 1.6.2009, see [art. 1](#)

I319 Sch. 2 para. 15 in force at 1.6.2009, see [art. 1](#)

I320 Sch. 2 para. 16 in force at 1.6.2009, see [art. 1](#)

Land Charges Rules 1974

17. In rule 10(ii) of the Land Charges Rules 1974(**112**) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I321 Sch. 2 para. 17 in force at 1.6.2009, see [art. 1](#)

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

18. In regulation 11 of the Internal Drainage Boards (Acquisition of New Interests and Rights) Regulations 1977(**113**), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965(**114**)—

(a) in subsection (1)—

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

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

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

Commencement Information

I322 Sch. 2 para. 18 in force at 1.6.2009, see [art. 1](#)

Local Lands Charges Rules 1977

19. The Local Lands Charges Rules 1977(**115**) are amended as follows.

Commencement Information

I323 Sch. 2 para. 19 in force at 1.6.2009, see [art. 1](#)

(112) S.I. 1974/1286.

(113) S.I. 1977/84.

(114) 1965 c. 56.

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

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

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

Commencement Information

I324 Sch. 2 para. 20 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I325 Sch. 2 para. 21 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I326 Sch. 2 para. 22 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I323 Sch. 2 para. 19 in force at 1.6.2009, see [art. 1](#)

I324 Sch. 2 para. 20 in force at 1.6.2009, see [art. 1](#)

I325 Sch. 2 para. 21 in force at 1.6.2009, see [art. 1](#)

I326 Sch. 2 para. 22 in force at 1.6.2009, see [art. 1](#)

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

23. In paragraph 22(4) of the Schedule to the Control of Off-Street Parking (England and Wales) Order 1978(**116**) (right to compensation in certain circumstances)—

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

Commencement Information

I327 Sch. 2 para. 23 in force at 1.6.2009, see [art. 1](#)

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

24. In paragraph 22(4) of the Schedule to the Control of Off-Street Parking (England and Wales) (Metropolitan Districts) Order 1986(**117**) (right to compensation in certain circumstances)—

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

(116) S.I. 1978/1535.

(117) S.I. 1986/225.

Commencement Information

I328 Sch. 2 para. 24 in force at 1.6.2009, see [art. 1](#)

Stamp Duty Reserve Tax Regulations 1986

25. In regulation 8 of the Stamp Duty Reserve Tax Regulations 1986(**118**) (appeals against determination)—

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

Commencement Information

I329 Sch. 2 para. 25 in force at 1.6.2009, see [art. 1](#)

Court Funds Rules 1987

26. The Court Funds Rules 1987(**119**) are amended as follows.

Commencement Information

I330 Sch. 2 para. 26 in force at 1.6.2009, see [art. 1](#)

27. In rule 2(2) (interpretation)—

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

Commencement Information

I331 Sch. 2 para. 27 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I332 Sch. 2 para. 28 in force at 1.6.2009, see [art. 1](#)

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

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

(119) *S.I. 1987/821*.

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

Commencement Information

I333 Sch. 2 para. 29 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I330 Sch. 2 para. 26 in force at 1.6.2009, see [art. 1](#)

I331 Sch. 2 para. 27 in force at 1.6.2009, see [art. 1](#)

I332 Sch. 2 para. 28 in force at 1.6.2009, see [art. 1](#)

I333 Sch. 2 para. 29 in force at 1.6.2009, see [art. 1](#)

Judicial Pensions (Preservation of Benefits) Order 1988

30. In Schedule 1 to the Judicial Pensions (Preservation of Benefits) Order 1988(**120**) (schemes) in the final paragraph omit “Member of the Lands Tribunal”.

Commencement Information

I334 Sch. 2 para. 30 in force at 1.6.2009, see [art. 1](#)

Judicial Pensions (Requisite Benefits) Order 1988

31. In Schedule 1 to the Judicial Pensions (Requisite Benefits) Order 1988(**121**) (schemes) in the final paragraph omit “Member of the Lands Tribunal”.

Commencement Information

I335 Sch. 2 para. 31 in force at 1.6.2009, see [art. 1](#)

Valuation and Community Charge Tribunals Regulations 1989

32. The Valuation and Community Charge Tribunals Regulations 1989(**122**) are amended as follows.

Commencement Information

I336 Sch. 2 para. 32 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I337 Sch. 2 para. 33 in force at 1.6.2009, see [art. 1](#)

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

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

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

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

Commencement Information

I338 Sch. 2 para. 34 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I336 Sch. 2 para. 32 in force at 1.6.2009, see [art. 1](#)

I337 Sch. 2 para. 33 in force at 1.6.2009, see [art. 1](#)

I338 Sch. 2 para. 34 in force at 1.6.2009, see [art. 1](#)

Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989

35. In regulation 3 to the Non-Domestic Rating (Miscellaneous Provisions) Regulations 1989(**123**) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I339 Sch. 2 para. 35 in force at 1.6.2009, see [art. 1](#)

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

36. In the Schedule to the Housing (Prescribed Forms) (No.2) Regulations 1990(**124**), in Forms 13, 14, 20 and 21, in the Schedule to each form for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I340 Sch. 2 para. 36 in force at 1.6.2009, see [art. 1](#)

Non-Domestic Rating (Payment of Interest) Regulations 1990

37. In regulation 3(4) and (5)(b) of the Non-Domestic Rating (Payment of Interest) Regulations 1990(**125**) (entitlement to interest) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I341 Sch. 2 para. 37 in force at 1.6.2009, see [art. 1](#)

Civil Aviation Act 1982 (Jersey) Order 1990

38. In paragraph 29(a)(i) of Schedule 1 to the Civil Aviation Act 1982 (Jersey) Order 1990(**126**) (extension of provisions of the Civil Aviation Act 1982 to the Bailiwick of Jersey)—

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

[\(123\) S.I. 1989/1060.](#)

[\(124\) S.I. 1990/1730.](#)

[\(125\) S.I. 1990/1904.](#)

[\(126\) S.I. 1990/2145.](#)

- (b) omit ““the Lands Tribunal””.

Commencement Information

I342 Sch. 2 para. 38 in force at 1.6.2009, see [art. 1](#)

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

39. In the Schedule to the Ancient Monuments (Claims for Compensation) (England) Regulations 1991(**127**)—

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

Commencement Information

I343 Sch. 2 para. 39 in force at 1.6.2009, see [art. 1](#)

Civil Aviation Act 1982 (Guernsey) Order 1992

40. In paragraph 29(a)(i) of Schedule 1 to the Civil Aviation Act 1982 (Guernsey) Order 1992(**128**) (extension of provisions of the Civil Aviation Act 1982 to the Bailiwick of Guernsey)—

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

Commencement Information

I344 Sch. 2 para. 40 in force at 1.6.2009, see [art. 1](#)

Town and Country Planning General Regulations 1992

41. In Schedule 2 to the Town and Country Planning General Regulations 1992(**129**) in the form entitled “Town and Country Planning Act 1990: Counter-Notice objecting to Blight Notice”—

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

Commencement Information

I345 Sch. 2 para. 41 in force at 1.6.2009, see [art. 1](#)

(127)S.I. 1991/2512.

(128)S.I. 1992/230.

(129)S.I. 1992/1492.

Non-Domestic Rating Contributions (England) Regulations 1992

42. In paragraph 4(6)(a) and (b) of Schedule 1 to the Non-Domestic Rating Contributions (England) Regulations 1992(**130**) (rules for the calculation of non-domestic rating contributions) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I346 Sch. 2 para. 42 in force at 1.6.2009, see [art. 1](#)

Council Tax (Alteration of Lists and Appeals) Regulations 1993

43. In regulation 30(1)(c) of the Council Tax (Alteration of Lists and Appeals) Regulations 1993(**131**) (review of decisions) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I347 Sch. 2 para. 43 in force at 1.6.2009, see [art. 1](#)

Channel Tunnel (Security) Order 1994

44. In Schedule 2 to the Channel Tunnel (Security) Order 1994(**132**) (provisions relating to compensation)—

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

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

- (a) in the application of this Schedule to England and Wales, the Upper Tribunal;
 - (b) in the application of this Schedule to Scotland, the Lands Tribunal for Scotland;
 - (c) in the application of this Schedule to Northern Ireland, the Lands Tribunal for Northern Ireland.”; and
- (c) omit paragraphs 8(b) and 9(b) and the “and” immediately preceding each of them.

Commencement Information

I348 Sch. 2 para. 44 in force at 1.6.2009, see [art. 1](#)

Conservation (Natural Habitats &c.) Regulations 1994

45. The Conservation (Natural Habitats &c.) Regulations 1994(**133**) are amended as follows.

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

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

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

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

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

Commencement Information

I349 Sch. 2 para. 45 in force at 1.6.2009, see **art. 1**

[^{F3}46. In regulation 16(4) (management agreements) for “Lands Tribunal” substitute “Upper Tribunal”.]

F3 Sch. 2 para. 46 revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)

Commencement Information

I350 Sch. 2 para. 46 in force at 1.6.2009, see **art. 1**

[^{F4}47. In regulation 59(3) (planning permission: supplementary provisions as to compensation) for “Lands Tribunal” substitute “Upper Tribunal”.]

F4 Sch. 2 para. 47 revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)

Commencement Information

I351 Sch. 2 para. 47 in force at 1.6.2009, see **art. 1**

^{F5}48.

F5 Sch. 2 para. 48 revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)

^{F6}49.

F6 Sch. 2 para. 49 revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)

[^{F7}50. In regulation 82(4) (orders under the Transport and Works Act 1992: compensation for revocation or variation) for “Lands Tribunal” substitute “Upper Tribunal”.]

F7 Sch. 2 para. 50 revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)

Commencement Information

I352 Sch. 2 para. 50 in force at 1.6.2009, see **art. 1**

[^{F8}51. In regulation 92 (compensation: other supplementary provisions)—
(a) in paragraph (3) for “by the Lands Tribunal” substitute “by the Upper Tribunal”; and
(b) in paragraph (4) for “sections 2 and” substitute “section”.]

F8 Sch. 2 para. 51 revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)

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

Commencement Information

I353 Sch. 2 para. 51 in force at 1.6.2009, see [art. 1](#)

F9 52.

F9 Sch. 2 para. 52 revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), [Sch. 7 Pt. 1](#) (with reg. 125)

Town and Country Planning (Minerals) Regulations 1995

53. In the Schedule to the Town and Country Planning (Minerals) Regulations 1995(**134**), in the entry for paragraph 2 in column (2), for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I354 Sch. 2 para. 53 in force at 1.6.2009, see [art. 1](#)

Goods Vehicles (Licensing of Operators) Regulations 1995

54. In Schedule 4 to the Goods Vehicles (Licensing of Operators) Regulations 1995(**135**) (inquiries) omit paragraph 2(5).

Commencement Information

I355 Sch. 2 para. 54 in force at 1.6.2009, see [art. 1](#)

Lands Tribunal Rules 1996

55. The Lands Tribunal Rules 1996(**136**) are amended as follows.

Commencement Information

I356 Sch. 2 para. 55 in force at 1.6.2009, see [art. 1](#)

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

“Citation, commencement and application

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

(134) S.I. 1995/2863.

(135) S.I. 1995/2869.

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

(2) These Rules apply to proceedings which have been assigned to the Lands Chamber of the Upper Tribunal by the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008(137).”.

Commencement Information

I357 Sch. 2 para. 56 in force at 1.6.2009, see [art. 1](#)

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

(2) In paragraph (1)—

(a) in the definition of “appeal”—

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

(ii) omit “Lands”;

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

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

(a) under section 1 of the 1961 Act;

(b) under section 11(4) of the Compulsory Purchase (Vesting Declarations) Act 1981(138); or

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

(i) under section 16(7) of the City of London (Various Powers) Act 1967(139);

(ii) under section 307(1) of the Highways Act 1980(140); and

(iii) under regulation 96(2) of the Conservation (Natural Habitats, &c) Regulations 1994(141).”;

(c) omit the definitions of—

(i) “the office”; and

(ii) “the President”;

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

(e) in the definition of “the registrar” for “an officer of the Lands Tribunal authorised by the Lord Chancellor, after consulting the Lord Chief Justice,” substitute “a member of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007(142) (tribunal staff and services) and authorised by the Senior President of Tribunals”; and

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

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

(3) Omit paragraph (1A).

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

(138) 1981 c. 66.

(139) 1967 c. 42.

(140) 1980 c. 66.

(141) S.I. 1994/2716.

(142) 2007 c.15.

Commencement Information

I358 Sch. 2 para. 57 in force at 1.6.2009, see [art. 1](#)

58. After rule 2 insert—

“Delegation to staff

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

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

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

Commencement Information

I359 Sch. 2 para. 58 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I360 Sch. 2 para. 59 in force at 1.6.2009, see [art. 1](#)

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

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

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

- (d) for paragraph (2) substitute—

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

Commencement Information

I361 Sch. 2 para. 60 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I362 Sch. 2 para. 61 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I363 Sch. 2 para. 62 in force at 1.6.2009, see [art. 1](#)

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

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

Commencement Information

I364 Sch. 2 para. 63 in force at 1.6.2009, see [art. 1](#)

64. In rule 6 (notice of appeal)—

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

“(1ZA) In an appeal under regulation 37(1) of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005(**143**) or regulation 37(1) of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005(**144**), for the purposes of paragraph (1) of this rule the date on which the disputed decision was sent includes—

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

Commencement Information

I365 Sch. 2 para. 64 in force at 1.6.2009, see [art. 1](#)

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

[\(143\)S.I. 2005/659.](#)

[\(144\)S.I. 2005/758.](#)

Commencement Information

I366 Sch. 2 para. 65 in force at 1.6.2009, see [art. 1](#)

66. In rule 10 (notice of reference)—

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

“(6) In a reference under section 153(1) of the Town and Country Planning Act 1990(**145**), the notice of reference must be given to the Tribunal within two months of the date of service of the counter-notice.

(7) In a reference under regulation 7(1) or 12(3) of the Town and Country Planning (Compensation and Certificates) Regulations 1974(**146**), the notice of reference must be given to the Tribunal within 30 days of the issue of notice of the decision or findings to which the dispute relates.

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

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

Commencement Information

I367 Sch. 2 para. 66 in force at 1.6.2009, see [art. 1](#)

67. In rule 16 (suspension of proceedings)—

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

Commencement Information

I368 Sch. 2 para. 67 in force at 1.6.2009, see [art. 1](#)

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

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

(145) 1990 c. 8.

(146) S.I. 1974/1242.

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

Commencement Information

I369 Sch. 2 para. 68 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I370 Sch. 2 para. 69 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I371 Sch. 2 para. 70 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I372 Sch. 2 para. 71 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I373 Sch. 2 para. 72 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I374 Sch. 2 para. 73 in force at 1.6.2009, see [art. 1](#)

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

Commencement Information

I375 Sch. 2 para. 74 in force at 1.6.2009, see [art. 1](#)

- 75.** In rule 30(1) (consolidation of proceedings) omit—

- (a) “the President or”; and
- (b) “his or”.

.....
Commencement Information

I376 Sch. 2 para. 75 in force at 1.6.2009, see [art. 1](#)

76. In rule 31 (power to select test case in appeals or references)—

- (a) in paragraph (1)—
 - (i) for “President” substitute “Tribunal”; and
 - (ii) for “he” substitute “the Tribunal”; and
- (b) omit paragraph (2).

.....
Commencement Information

I377 Sch. 2 para. 76 in force at 1.6.2009, see [art. 1](#)

77. In rule 32(a) (application of Arbitration Act 1996) omit “Lands”.

.....
Commencement Information

I378 Sch. 2 para. 77 in force at 1.6.2009, see [art. 1](#)

78. In rule 33 (evidence)—

- (a) in paragraph (1) omit “or President”; and
- (b) in paragraph (3) for “President” in each place substitute “Tribunal”.

.....
Commencement Information

I379 Sch. 2 para. 78 in force at 1.6.2009, see [art. 1](#)

79. In rule 37(1) and (2) (right of audience) omit “the President or”.

.....
Commencement Information

I380 Sch. 2 para. 79 in force at 1.6.2009, see [art. 1](#)

80. In rule 38 (interlocutory applications)—

- (a) in paragraphs (1), (8), (9) and (10) for “President” substitute “Tribunal” and;
- (b) omit paragraph (11).

.....
Commencement Information

I381 Sch. 2 para. 80 in force at 1.6.2009, see [art. 1](#)

81. In rule 39(6) (pre-trial review) for “(11)” substitute “(10)”.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009. (See end of Document for details)

Commencement Information

I382 Sch. 2 para. 81 in force at 1.6.2009, see [art. 1](#)

- 82.** In rule 43 (preliminary issues)—
- (a) in paragraph (1) omit “President or the”; and
 - (b) in paragraph (3) for “President” substitute “Tribunal”.

Commencement Information

I383 Sch. 2 para. 82 in force at 1.6.2009, see [art. 1](#)

- 83.** In rule 45 (withdrawal or dismissal of appeal etc, before hearing)—
- (a) in paragraph (2)—
 - (i) for “President”, in each place, substitute “Tribunal”; and
 - (ii) for “he” substitute “it”; and
 - (b) in paragraph (3) for “President” substitute “Tribunal”.

Commencement Information

I384 Sch. 2 para. 83 in force at 1.6.2009, see [art. 1](#)

- 84.** In rule 47 (failure to comply with the rules not to render proceedings invalid) omit “the President or”.

Commencement Information

I385 Sch. 2 para. 84 in force at 1.6.2009, see [art. 1](#)

- 85.** In rule 48 (procedure at hearing) omit “and to any direction by the President”.

Commencement Information

I386 Sch. 2 para. 85 in force at 1.6.2009, see [art. 1](#)

- 86.** In rule 50 (decision of tribunal)—
- (a) in paragraph (5) for “Registrar” substitute “Tribunal”;
 - (b) in paragraph (6) for “on which a case has been stated for the decision of the Court of Appeal” substitute “which has been appealed to the Court of Appeal”; and
 - (c) after paragraph (6) insert—
 - “(7) Where the Tribunal has made an award in proceedings on a compulsory purchase compensation reference, on the application of any party the Tribunal must specify the amount awarded in respect of any particular matter the subject of the award.”

Commencement Information

I387 Sch. 2 para. 86 in force at 1.6.2009, see [art. 1](#)

87. In rule 52 (costs)—

- (a) for the heading substitute “taxation of costs”;
- (b) omit paragraph (1);
- (c) in paragraph (3)—
 - (i) for “President who” substitute “Tribunal which”; and
 - (ii) for “he” substitute “it”; and
- (d) in paragraph (7)
 - (i) for “President”, in each place, substitute “Tribunal”; and
 - (ii) for “he” substitute “it”.

Commencement Information

I388 Sch. 2 para. 87 in force at 1.6.2009, see [art. 1](#)

88. In rule 54 (service of notices)—

- (a) omit paragraph (4); and
- (b) in paragraph (5) omit—
 - (i) “President or to any member of the Lands”; and
 - (ii) “at the office”.

Commencement Information

I389 Sch. 2 para. 88 in force at 1.6.2009, see [art. 1](#)

89. In rule 56 (substituted service) omit—

- (a) “President or the”; and
- (b) “President or”.

Commencement Information

I390 Sch. 2 para. 89 in force at 1.6.2009, see [art. 1](#)

90. For Part 9 (transitional provisions) substitute—

“PART 8A

Permission to appeal to the Court of Appeal and review

Interpretation of Part 8A

57. In this Part—

“appeal” means the exercise of a right of appeal on a point of law under section 13 of the Tribunals, Courts and Enforcement Act 2007; and

“review” means the review of a decision by the Tribunal under section 10 of that Act.

Application for permission to appeal

58.—(1) A person seeking permission to appeal must make a written application to the Tribunal for permission to appeal.

(2) An application under paragraph (1) must be sent or delivered to the Tribunal so that it is received within 28 days after the date on which the Tribunal sent a copy of the decision, or an order stating its effect, to the party making the application.

(3) If the person seeking permission to appeal sends or delivers the application to the Tribunal later than the time required by paragraph (2), or by any extension of time under rule 35 (extension of time)—

- (a) the application must include a request for an extension of time and the reason why the application was not sent or delivered to the Tribunal in time; and
- (b) unless the Tribunal decides to extend time for the application, the Tribunal must refuse the application.

(4) An application under paragraph (1) must—

- (a) identify the decision of the Tribunal to which it relates;
- (b) identify the alleged error or errors of law in the decision; and
- (c) state the result the person making the application is seeking.

Tribunal's consideration of application for permission to appeal

59.—(1) On receiving an application for permission to appeal the Tribunal may review the decision in accordance with rule 60 (review of a decision), but may only do so if—

- (a) when making the decision the Tribunal overlooked a legislative provision or binding authority which could have had a material effect on the decision; or
- (b) since the Tribunal's decision, a court has made a decision which is binding on the Tribunal and which, had it been made before the Tribunal's decision, could have had a material effect on the decision.

(2) If the Tribunal decides not to review the decision, or reviews the decision and decides to take no action in relation to the decision or part of it, the Tribunal must consider whether to give permission to appeal in relation to the decision or that part of it.

(3) The Tribunal must send a record of its decision to the parties as soon as practicable.

(4) If the Tribunal refuses permission to appeal it must send with the record of its decision—

- (a) a statement of its reasons for such refusal; and
- (b) notification of the right to make an application to the relevant appellate court for permission to appeal and the time within which, and the method by which, such application must be made.

(5) The Tribunal may give permission to appeal on limited grounds, but must comply with paragraph (4) in relation to any grounds on which it has refused permission.

Review of a decision

60.—(1) The Tribunal may only undertake a review of a decision pursuant to rule 59(1) (review on an application for permission to appeal).

(2) The Tribunal must notify the parties in writing of the outcome of any review and of any rights of review or appeal in relation to the outcome.

(3) If the Tribunal decides to take any action in relation to a decision following a review without first giving every party an opportunity to make representations, the notice under paragraph (2) must state that any party that did not have an opportunity to make representations may apply for such action to be set aside and for the decision to be reviewed again.”.

Commencement Information

I391 Sch. 2 para. 90 in force at 1.6.2009, see [art. 1](#)

91. In Schedule 1—

- (a) in Form 1 (application for certificate under section 2 of the Rights of Light Act 1959) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”;
- (b) in Form 2 (temporary certificate for registration of a notice under section 2 of the Rights of Light Act 1959) for “Lands Tribunal” substitute “Upper Tribunal”;
- (c) in Form 3 (certificate for registration of a notice under section 2 of the Rights of Light Act 1959) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
- (d) in Form 4 (certificate for registration of a notice under section 2 of the Rights of Light Act 1959 following registration of a temporary notice) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

Commencement Information

I392 Sch. 2 para. 91 in force at 1.6.2009, see [art. 1](#)

92. Omit Schedule 2 (revocations).

Commencement Information

I393 Sch. 2 para. 92 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I356 Sch. 2 para. 55 in force at 1.6.2009, see [art. 1](#)
I357 Sch. 2 para. 56 in force at 1.6.2009, see [art. 1](#)
I358 Sch. 2 para. 57 in force at 1.6.2009, see [art. 1](#)
I359 Sch. 2 para. 58 in force at 1.6.2009, see [art. 1](#)
I360 Sch. 2 para. 59 in force at 1.6.2009, see [art. 1](#)
I361 Sch. 2 para. 60 in force at 1.6.2009, see [art. 1](#)
I362 Sch. 2 para. 61 in force at 1.6.2009, see [art. 1](#)
I363 Sch. 2 para. 62 in force at 1.6.2009, see [art. 1](#)
I364 Sch. 2 para. 63 in force at 1.6.2009, see [art. 1](#)
I365 Sch. 2 para. 64 in force at 1.6.2009, see [art. 1](#)
I366 Sch. 2 para. 65 in force at 1.6.2009, see [art. 1](#)
I367 Sch. 2 para. 66 in force at 1.6.2009, see [art. 1](#)
I368 Sch. 2 para. 67 in force at 1.6.2009, see [art. 1](#)
I369 Sch. 2 para. 68 in force at 1.6.2009, see [art. 1](#)
I370 Sch. 2 para. 69 in force at 1.6.2009, see [art. 1](#)
I371 Sch. 2 para. 70 in force at 1.6.2009, see [art. 1](#)
I372 Sch. 2 para. 71 in force at 1.6.2009, see [art. 1](#)

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009. (See end of Document for details)

- I373** Sch. 2 para. 72 in force at 1.6.2009, see [art. 1](#)
- I374** Sch. 2 para. 73 in force at 1.6.2009, see [art. 1](#)
- I375** Sch. 2 para. 74 in force at 1.6.2009, see [art. 1](#)
- I376** Sch. 2 para. 75 in force at 1.6.2009, see [art. 1](#)
- I377** Sch. 2 para. 76 in force at 1.6.2009, see [art. 1](#)
- I378** Sch. 2 para. 77 in force at 1.6.2009, see [art. 1](#)
- I379** Sch. 2 para. 78 in force at 1.6.2009, see [art. 1](#)
- I380** Sch. 2 para. 79 in force at 1.6.2009, see [art. 1](#)
- I381** Sch. 2 para. 80 in force at 1.6.2009, see [art. 1](#)
- I382** Sch. 2 para. 81 in force at 1.6.2009, see [art. 1](#)
- I383** Sch. 2 para. 82 in force at 1.6.2009, see [art. 1](#)
- I384** Sch. 2 para. 83 in force at 1.6.2009, see [art. 1](#)
- I385** Sch. 2 para. 84 in force at 1.6.2009, see [art. 1](#)
- I386** Sch. 2 para. 85 in force at 1.6.2009, see [art. 1](#)
- I387** Sch. 2 para. 86 in force at 1.6.2009, see [art. 1](#)
- I388** Sch. 2 para. 87 in force at 1.6.2009, see [art. 1](#)
- I389** Sch. 2 para. 88 in force at 1.6.2009, see [art. 1](#)
- I390** Sch. 2 para. 89 in force at 1.6.2009, see [art. 1](#)
- I391** Sch. 2 para. 90 in force at 1.6.2009, see [art. 1](#)
- I392** Sch. 2 para. 91 in force at 1.6.2009, see [art. 1](#)
- I393** Sch. 2 para. 92 in force at 1.6.2009, see [art. 1](#)

Hedgerows Regulations 1997

93. In regulation 14 of the Hedgerows Regulations 1997(**147**) (rights of entry: supplementary provisions)—

- (a) in paragraph (5) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph (6) for “sections 2 and” substitute “section”.

Commencement Information

- I394** Sch. 2 para. 93 in force at 1.6.2009, see [art. 1](#)

Anti-Pollution Works Regulations 1999

94. In paragraph 6 of the Schedule to the Anti-Pollution Works Regulations 1999(**148**) (compensation for grant of rights)—

- (a) in sub-paragraph (1) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in sub-paragraph (2)—
 - (i) for “sections 2 and” substitute “section”;
 - (ii) omit “procedure on references to the Lands Tribunal and”; and
 - (iii) omit paragraph (a) and the following “and”.

Commencement Information

- I395** Sch. 2 para. 94 in force at 1.6.2009, see [art. 1](#)

(147)S.I. 1997/1160.

(148)S.I. 1999/1006.

Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003

95. In regulation 20 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003(**149**) (permission to appeal) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I396 Sch. 2 para. 95 in force at 1.6.2009, see [art. 1](#)

Fur Farming (Compensation Scheme) (England) Order 2004

96. The Fur Farming (Compensation Scheme) (England) Order 2004(**150**) is amended as follows.

Commencement Information

I397 Sch. 2 para. 96 in force at 1.6.2009, see [art. 1](#)

97. In regulation 5(3)(b) (determination of entitlement to compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I398 Sch. 2 para. 97 in force at 1.6.2009, see [art. 1](#)

98. In regulation 6(3)(c) and (4)(b) (determination as to amount) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I399 Sch. 2 para. 98 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I397 Sch. 2 para. 96 in force at 1.6.2009, see [art. 1](#)

I398 Sch. 2 para. 97 in force at 1.6.2009, see [art. 1](#)

I399 Sch. 2 para. 98 in force at 1.6.2009, see [art. 1](#)

Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004

99. In the Schedule to the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004(**151**) (forms)—

- (a) in Form 8 (notice to a qualifying person of land (or of land subject to new rights) comprised in a compulsory purchase order), in paragraph 3 for “Lands Tribunal” substitute “Upper Tribunal”; and

(149)S.I. 2003/2099.

(150)S.I. 2004/1964.

(151)S.I. 2004/2595.

- (b) in Form 9 (notice to a qualifying person of land (or of land subject to new rights) comprised in a compulsory purchase order made on behalf of a council), in paragraph 3 for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I400 Sch. 2 para. 99 in force at 1.6.2009, see [art. 1](#)

Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005

100. The Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005(**152**) are amended as follows.

Commencement Information

I401 Sch. 2 para. 100 in force at 1.6.2009, see [art. 1](#)

101. In regulation 4(1)(e) and (3)(b)(ii) and (c) (circumstances in which proposals may be made) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

Commencement Information

I402 Sch. 2 para. 101 in force at 1.6.2009, see [art. 1](#)

102. In regulation 8(10)(b)(i) and (ii) (invalid proposals) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I403 Sch. 2 para. 102 in force at 1.6.2009, see [art. 1](#)

103. In regulation 17(4)(b) and (5)(b)(i) and (ii) (notification of alteration) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

Commencement Information

I404 Sch. 2 para. 103 in force at 1.6.2009, see [art. 1](#)

104. In regulation 35(2), (5)(c) and (9) (review of decisions) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

Commencement Information

I405 Sch. 2 para. 104 in force at 1.6.2009, see [art. 1](#)

105. In regulation 37 (appeals)—

- (a) in paragraphs (1), (5) and (6) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) omit paragraphs (3) and (4).

Commencement Information

I406 Sch. 2 para. 105 in force at 1.6.2009, see [art. 1](#)

106. In regulation 39(1)(b), (3) and (4) (notification of further proceedings) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I407 Sch. 2 para. 106 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I401 Sch. 2 para. 100 in force at 1.6.2009, see [art. 1](#)

I402 Sch. 2 para. 101 in force at 1.6.2009, see [art. 1](#)

I403 Sch. 2 para. 102 in force at 1.6.2009, see [art. 1](#)

I404 Sch. 2 para. 103 in force at 1.6.2009, see [art. 1](#)

I405 Sch. 2 para. 104 in force at 1.6.2009, see [art. 1](#)

I406 Sch. 2 para. 105 in force at 1.6.2009, see [art. 1](#)

I407 Sch. 2 para. 106 in force at 1.6.2009, see [art. 1](#)

Public Contracts Regulations 2006

^{F10}**107.**

F10 Sch. 2 para. 107 revoked (18.4.2016) by The Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 (S.I. 2016/275), reg. 1(1), **Sch. 3 Pt. 2** (with reg. 5)

Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006

108. The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006(**153**) are amended as follows.

Commencement Information

I408 Sch. 2 para. 108 in force at 1.6.2009, see [art. 1](#)

109. In regulation 11(1)(g) (registers of licences) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I409 Sch. 2 para. 109 in force at 1.6.2009, see [art. 1](#)

110. In regulation 12(1)(g) (registers of temporary exemption notices) for “Lands Tribunal” substitute “Upper Tribunal”.

⁽¹⁵³⁾S.I. 2006/373.

Commencement Information

I410 Sch. 2 para. 110 in force at 1.6.2009, see [art. 1](#)

111. In regulation 13(1)(f) (registers of management orders) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I411 Sch. 2 para. 111 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I408 Sch. 2 para. 108 in force at 1.6.2009, see [art. 1](#)

I409 Sch. 2 para. 109 in force at 1.6.2009, see [art. 1](#)

I410 Sch. 2 para. 110 in force at 1.6.2009, see [art. 1](#)

I411 Sch. 2 para. 111 in force at 1.6.2009, see [art. 1](#)

Residential Property Tribunal Procedure (England) Regulations 2006

112. In regulation 35(1), (2) and (6) of the Residential Property Tribunal Procedure (England) Regulations 2006(**154**) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I412 Sch. 2 para. 112 in force at 1.6.2009, see [art. 1](#)

Contaminated Land (England) Regulations 2006

113. In Schedule 2 to the Contaminated Land (England) Regulations 2006(**155**) (compensation for rights of entry etc.)—

- (a) in paragraph 5(3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 6—
 - (i) in sub-paragraphs (2)(c) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
 - (ii) for sub-paragraph (4) substitute—
 - “(4) In relation to the determination of any such question, section 4 of the 1961 Act (costs) applies as if the reference in section 2(1) of that Act to section 1 of that Act were a reference to sub-paragraph (3) of this paragraph.”.

Commencement Information

I413 Sch. 2 para. 113 in force at 1.6.2009, see [art. 1](#)

(154) S.I. 2006/831.
(155) S.I. 2006/1380.

Transport and Works (Model Clauses for Railways and Tramways) Order 2006

114. The Transport and Works (Model Clauses for Railways and Tramways) Order 2006(**156**) is amended as follows.

Commencement Information

I414 Sch. 2 para. 114 in force at 1.6.2009, see [art. 1](#)

115. In Schedule 1 (model clauses for railways)—

- (a) in clause 1(1) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 5 of Schedule 8, in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I415 Sch. 2 para. 115 in force at 1.6.2009, see [art. 1](#)

116. In Schedule 2 (model clauses for tramways)—

- (a) in clause 1(1) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in paragraph 5 of Schedule 8, in the provisions substituted for section 8 of the Compulsory Purchase Act 1965, in subsection (1)(a) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I416 Sch. 2 para. 116 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I414 Sch. 2 para. 114 in force at 1.6.2009, see [art. 1](#)

I415 Sch. 2 para. 115 in force at 1.6.2009, see [art. 1](#)

I416 Sch. 2 para. 116 in force at 1.6.2009, see [art. 1](#)

Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006

117. In paragraph 9 of Schedule 4 to the Environmental Impact Assessment (Agriculture) (England) (No.2) Regulations 2006(**157**) (review of decisions and consents) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I417 Sch. 2 para. 117 in force at 1.6.2009, see [art. 1](#)

(156) S.I. 2006/1954.

(157) S.I. 2006/2522.

Changes to legislation: There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009. (See end of Document for details)

National Assembly for Wales (Disqualification) Order 2006

118. In Part 1 of the Schedule to the National Assembly for Wales (Disqualification) Order 2006(158) (bodies of which all members are disqualified) omit the entry for the Lands Tribunal.

.....
Commencement Information
I418 Sch. 2 para. 118 in force at 1.6.2009, see [art. 1](#)

Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007

119. In regulation 3(b) of the Service Charges (Summary of Rights and Obligations, and Transitional Provision) (England) Regulations 2007(159) (form and content of summary of rights and obligations of interest), in paragraph (6) of the statement for “Lands Tribunal” substitute “Upper Tribunal”.

.....
Commencement Information
I419 Sch. 2 para. 119 in force at 1.6.2009, see [art. 1](#)

Administration Charges (Summary of Rights and Obligations) (England) Regulations 2007

120. In regulation 2(b) of the Administration Charges (Summary of Rights and Obligations) (England) Regulations 2007(160) (form and content of summary of rights and obligations), in paragraph (7) of the statement for “Lands Tribunal” substitute “Upper Tribunal”.

.....
Commencement Information
I420 Sch. 2 para. 120 in force at 1.6.2009, see [art. 1](#)

Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007

^{F11}**121.**

F11 Sch. 2 para. 121 omitted (19.9.2013) by virtue of [The Public Bodies \(Abolition of Administrative Justice and Tribunals Council\) Order 2013 \(S.I. 2013/2042\)](#), art. 1(2), [Sch. para. 75](#)

Environmental Permitting (England and Wales) Regulations 2007

122. The Environmental Permitting (England and Wales) Regulations 2007(161) are amended as follows.

(158) S.I. 2006/3335.
(159) S.I. 2007/1257.
(160) S.I. 2007/1258.
(161) S.I. 2007/3538.

Commencement Information

I421 Sch. 2 para. 122 in force at 1.6.2009, see [art. 1](#)

123. In regulation 72 after paragraph (10) add—

“(11) In the application of any provision by virtue of this regulation—

- (a) any reference to the Lands Tribunal must be read as a reference to the Upper Tribunal;
- (b) any reference to section 2 of the Land Compensation Act 1961 must be omitted; and
- (c) for the purposes of the Tribunal Procedure (Upper Tribunal) (Land Chamber) Rules 2009, any proceedings to which section 2 of the Land Compensation Act 1961 would have applied but for sub-paragraph (b) shall be proceedings on a compulsory purchase compensation reference.”

Commencement Information

I422 Sch. 2 para. 123 in force at 1.6.2009, see [art. 1](#)

124. In paragraph 26 of Schedule 5 (environmental permits – payment of compensation)—

- (a) in sub-paragraphs (2)(c) and (3) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) for sub-paragraph (4) substitute—

“(4) In relation to the determination of such a question, section 4 of the Land Compensation Act 1961 applies as if the reference in section 2(1) of that Act to section 1 of that Act were a reference to sub-paragraph (3) of this paragraph.”

Commencement Information

I423 Sch. 2 para. 124 in force at 1.6.2009, see [art. 1](#)

Commencement Information

I421 Sch. 2 para. 122 in force at 1.6.2009, see [art. 1](#)

I422 Sch. 2 para. 123 in force at 1.6.2009, see [art. 1](#)

I423 Sch. 2 para. 124 in force at 1.6.2009, see [art. 1](#)

London Gateway Port Harbour Empowerment Order 2008

125. In article 2(1) of the London Gateway Port Harbour Empowerment Order 2008(**162**) (interpretation) in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I424 Sch. 2 para. 125 in force at 1.6.2009, see [art. 1](#)

Judicial Appointments Order 2008

126. In Part 1 of Schedule 1 to the Judicial Appointments Order 2008(**163**) (offices for which a Fellow of the Institute of Legal Executives holds a relevant qualification) at the end of the list add—
 “Adjudicators appointed under regulation 9 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008(**164**)”

Commencement Information

I425 Sch. 2 para. 126 in force at 1.6.2009, see [art. 1](#)

SCHEDULE 3

Article 5(1) and (4)

Consequential amendments to Church of England measures

Pastoral Measure 1983

1. In section 62(3) of the Pastoral Measure 1983(**165**) (power to impose and enforce covenants) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I426 Sch. 3 para. 1 in force at 1.6.2009, see [art. 1](#)

Care of Churches and Ecclesiastical Jurisdiction Measure 1991

2. In section 22(7) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991(**166**) (power of bishop to remove legal effects of consecration) for “Lands Tribunal” substitute “Upper Tribunal”.

Commencement Information

I427 Sch. 3 para. 2 in force at 1.6.2009, see [art. 1](#)

SCHEDULE 4

Article 5(5)

Repeals and revocations

Commencement Information

I428 Sch. 4 in force at 1.6.2009, see [art. 1](#)

(163) S.I. 2008/2995.

(164) S.I. 2008/609.

(165) 1983 No.1. Subsection (3) was inserted by section 8 of the *Pastoral (Amendment) Measure 1994* (1994 No.1).

(166) 1991 No.1.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Enactment repealed or revoked</i>	<i>Reference</i>	<i>Extent of repeal or revocation</i>
Conveyancing and Feudal Reform (Scotland) Act 1970	1970 c.35	section 50(1)
Local Government, Planning and Land Act 1980	1980 c.65	paragraph 3 of Schedule 33
Courts and Legal Services Act 1990	1990 c.41	paragraph 7 of Schedule 10
Arbitration Act 1996	1996 c.23	paragraph 6 of Schedule 3
Scotland Act 1998	1998 c.46	paragraph 9(a) of Schedule 8
Constitutional Reform Act 2005	2005 c.4	paragraph 34 of Part 1 of Schedule 4 and the entry relating to the Lands Tribunal Act 1949 in paragraph 6(3) of part 3 of Schedule 11
Tribunals, Courts and Enforcement Act 2007	2007 c.15	paragraph 5 of Schedule 10
Pensions Increase (Judicial Pensions) (Amendment) Regulations 1973	S.I. 1973/495	paragraph 10 of the Schedule
Pensions Increase (Judicial Pensions) (Amendment) Regulations 1974	S.I. 1974/984	paragraph 10 of the Schedule
Lands Tribunal (Fees) Rules 1996	S.I. 1996/1021	the whole Rules
Planning and Compensation Act 1991 (Amendment of Schedule 18) Order 1999	S.I. 1999/648	article 2(3)
Civil Procedure (Modification of Enactments) Order 2000	S.I. 2000/941	the whole Order
Contracting Out of Functions (Tribunal Staff) Order 2001	S.I. 2001/3539	the whole Order
Lands Tribunal (Fees) (Amendment) Rules 2002	S.I. 2002/770	the whole Rules
Lord Chancellor (Transfer of Functions and Supplementary Provisions) Order 2006	S.I. 2006/680	paragraph 54 of Schedule 1

SCHEDULE 5

Article 5(6)

Transitional and saving provisions

Transitional and saving provisions

1. Any proceedings before the Lands Tribunal which are pending immediately before 1st June 2009 shall continue on and after 1st June 2009 as proceedings before the Upper Tribunal.

Commencement Information

I429 Sch. 5 para. 1 in force at 1.6.2009, see [art. 1](#)

2.—(1) The following sub-paragraphs apply where proceedings are continued in the Upper Tribunal by virtue of paragraph 1.

(2) Where a hearing began before 1st June 2009 but was not completed by that date, the Upper Tribunal must be comprised for the continuation of that hearing of the person or persons who began it.

(3) The Upper Tribunal may give any direction to ensure that proceedings are dealt with fairly and, in particular, may—

(a) apply any provision in procedural rules which applied to the proceedings before 1st June 2009; or

(b) disapply provisions of Tribunal Procedure Rules.

(4) In sub-paragraph (3) “procedural rules” means provision (whether called rules or not) regulating practice or procedure before a tribunal.

(5) Any direction or order given or made in proceedings which is in force immediately before 1st June 2009 remains in force on and after that date as if it were a direction or order of the Upper Tribunal.

(6) A time period which has started to run before 1st June 2009 and which has not expired shall continue to apply.

(7) An order for costs may only be made if, and to the extent that, an order could have been made before 1st June 2009.

Commencement Information

I430 Sch. 5 para. 2 in force at 1.6.2009, see [art. 1](#)

3. Where an appeal lies to a court from any decision made by the Lands Tribunal before 1st June 2009, that right of appeal has not been exercised, and the time to exercise that right of appeal has not expired prior to 1st June 2009, section 13 of the Tribunals, Courts and Enforcement Act 2007(**167**) (right to appeal to Court of Appeal etc.) shall apply as if the decision were a decision made on or after 1st June 2009 by the Upper Tribunal, and any reference to the Lands Tribunal in legislation relating to such an appeal, express or otherwise, is to be taken as a reference to the Upper Tribunal.

Commencement Information

I431 Sch. 5 para. 3 in force at 1.6.2009, see [art. 1](#)

4. Any case to be remitted by a court on or after 1st June 2009 and which, if it had been remitted before 1st June 2009 would have been remitted to the Lands Tribunal, shall be remitted to the Upper Tribunal.

Commencement Information

I432 Sch. 5 para. 4 in force at 1.6.2009, see [art. 1](#)

5. Staff appointed to the Lands Tribunal before 1st June 2009 are to be treated on and after that date, for the purpose of any enactment, as if they had been appointed by the Lord Chancellor under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 (tribunal staff and services).

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Commencement Information

I433 Sch. 5 para. 5 in force at 1.6.2009, see [art. 1](#)

6. A decision made by the Lands Tribunal before 1st June 2009 is to be treated as a decision of the Upper Tribunal on or after 1st June 2009.

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Commencement Information

I434 Sch. 5 para. 6 in force at 1.6.2009, see [art. 1](#)

.....
Commencement Information

I429 Sch. 5 para. 1 in force at 1.6.2009, see [art. 1](#)

I430 Sch. 5 para. 2 in force at 1.6.2009, see [art. 1](#)

I431 Sch. 5 para. 3 in force at 1.6.2009, see [art. 1](#)

I432 Sch. 5 para. 4 in force at 1.6.2009, see [art. 1](#)

I433 Sch. 5 para. 5 in force at 1.6.2009, see [art. 1](#)

I434 Sch. 5 para. 6 in force at 1.6.2009, see [art. 1](#)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the [Tribunals, Courts and Enforcement Act 2007](#) (“the 2007 Act”). Part 1 of the 2007 Act creates a new two tier tribunal structure; the First-tier Tribunal and the Upper Tribunal (“the new tribunals”) are established under section 3 of the 2007 Act. Order making powers are provided under Part 1 of the 2007 Act to enable the functions of existing tribunals to be transferred into the new structure. This Order transfers the functions of the Lands Tribunal to the Upper Tribunal, and in addition contains various minor, consequential and transitional provisions, as explained below.

Transfer of functions of tribunals

Article 2 transfers the functions of the Lands Tribunal to the Upper Tribunal and abolishes the Lands Tribunal.

Transfer of members of tribunals

Article 3 provides for members of the Lands Tribunal to hold the offices of transferred-in judge or transferred-in other member of the Upper Tribunal.

Transfer of Rules

Article 4 provides that the current procedural rules for the Lands Tribunal, the Lands Tribunal Rules 1996, become Tribunal Procedure Rules.

Consequential provisions

Article 5(1) to (5) brings Schedules 1 to 4 into effect. Schedule 1 contains consequential amendments to primary legislation, Schedule 2 contains consequential amendments to secondary legislation, Schedule 3 contains consequential amendments to Church of England Measures, and Schedule 4 contains consequential repeals and revocations of legislation. The vast majority of these amendments, repeals and revocations are made in consequence of the transfer of the functions of the Lands Tribunal to the Upper Tribunal.

In addition, various amendments to legislation are made which do not relate to the transfer of the Lands Tribunal. These are as follows:

Paragraph 161 of Schedule 1 amends the Mental Health Act 1983 in order to ensure that a patient who withdraws their appeal to the First-tier Tribunal can remake that appeal. This amendment relates to the transfer of the functions of Mental Health Review Tribunals in England to the First-tier Tribunal, which was effected by the Transfer of Tribunal Functions Order 2008.

Paragraph 162 of Schedule 1 amends the same Act to allow members of the First-tier Tribunal who may hear mental health cases to sit in the Mental Health Review Tribunal for Wales. This preserves the position under paragraph 5 of Schedule 2 to the 1993 Act before the abolition of the Mental Health Review Tribunal for England and the transfer of its members to the First-tier Tribunal and Upper Tribunal under the Transfer of Tribunal Functions Order 2008.

Paragraph 226 of Schedule 1 amends the Child Support Act 1991 to correct an error in the Transfer of Tribunal Functions Order 2008, by transferring functions which were incorrectly transferred from the Lord Chancellor to the First Minister and deputy First Minister of Northern Ireland back to the Lord Chancellor.

Paragraph 245 of Schedule 1 amends the Tribunals and Inquiries Act 1992 to remove a reference to the VAT and Duties Tribunal, which was abolished by the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009.

Paragraph 288 of Schedule 1 amends the Criminal Justice and Immigration Act 2008 to remove a reference to rules made under the Immigration and Asylum Act 1999, which rules were revoked by the Transfer of Tribunal Functions Order 2008.

Paragraph 54 of Schedule 2 removes a reference to the Council on Tribunals which was abolished under section 45 of the 2007 Act.

Paragraph 121(a), (b) and (d) to (f) of Schedule 2 amends the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007 in order to remove references to tax tribunals which were abolished by the 2007 Act and the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009.

Paragraph 126 of Schedule 2 amends the Judicial Appointments Order 2008 by adding to the list of offices for which Fellows of the Institute of Legal Executives hold a relevant qualification for the purposes of the judicial-appointment eligibility condition in section 50 of the Tribunals, Courts and Enforcement Act 2007. The office that is added is that of adjudicator appointed under regulation 9 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008. Section 81(2)(a) of the Traffic Management Act 2004 provides that a person must satisfy the judicial-appointment eligibility condition on a 5-year basis to qualify for appointment as an adjudicator.

Transitional and saving provisions

Article 5(6) brings Schedule 5 into effect. Schedule 5 makes transitional and saving provisions for the treatment of cases which would previously have been dealt with by the Lands Tribunal, and onward appeals from that Tribunal, following the coming into force of this Order.

The Schedule provides for proceedings which have been started in the Lands Tribunal to be transferred to the Upper Tribunal; new proceedings will be started in the Upper Tribunal. In transferred cases the following provisions apply:

- a hearing which has already been commenced but not completed will need to be completed in the Upper Tribunal but comprised of the same members;
- directions and orders made prior to this Order coming into force will continue in force as if they were directions or orders of the Upper Tribunal;
- the Lands Tribunal Rules 2006 are amended and become Tribunal Procedure Rules by virtue of article 4 and Schedule 2. The amended rules will apply to all cases from 1st June 2009, but the Upper Tribunal will be able to disapply amendments to the rules or apply the unamended rules (including provisions in primary legislation) as they applied to the Lands Tribunal, to ensure that proceedings are dealt with fairly;
- time limits which begin to run before this Order comes into force continue to apply after the Order comes into force; and
- the Upper Tribunal will only be able to make a costs order if and to the extent that the Lands Tribunal could have made such an order.
- Appeals against the decisions of the Lands Tribunals, if the appeal right has not been exercised before this Order comes into force and the time for doing so has not expired, are to be treated as appeals against the decisions of the Upper Tribunal.

A Regulatory Impact Assessment was prepared for the [Tribunals, Courts and Enforcement Act 2007](#). This can be found at:

<http://www.justice.gov.uk/publications/tribunalscourtsand enforcementact.htm>

Changes to legislation:

There are currently no known outstanding effects for the The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009.