

## SCHEDULE 1

Article 5(1) and (2)

### Consequential amendments to primary legislation

#### **Railways Clauses Consolidation Act 1845**

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

#### **Improvement of Land Act 1864**

4. In section 73 of the Improvement of Land Act 1864(2) (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”.

#### **Law of Property Act 1925**

5. In section 84 of the Law of Property Act 1925(3) (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,”.

#### **Requisitioned Land and War Works Act 1945**

6. The Requisitioned Land and War Works Act 1945(4) is amended as follows.
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”.
8. In section 48(1) (successive works to be dealt with as one) for “General Claims Tribunal” substitute “appropriate tribunal”.
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;

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(1) 1845 c.20. Sections 6 and 78 were amended by section 39(3) of and Schedule 7 to the [Compulsory Purchase Act 1965 \(c.56\)](#).

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Part 13 of Schedule 1 and paragraph 15 of Schedule 2 to, the [Statute Law \(Repeals\) Act 1993 \(c.50\)](#), and was repealed in relation to Scotland by section 76(2) and Part 1 of Schedule 13 to the [Abolition of Feudal Tenure etc.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

(3) 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 \(c.9\)](#).

(4) 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 \(c.30\)](#).

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- (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.”.

### **Lands Tribunal Act 1949**

**10.** The Lands Tribunal Act 1949(5) is amended as follows.

**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—
 

“(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).

**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—

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(5) 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 \(c.65\)](#).

“(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).

**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

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(e) in subsection (6C) for “determine” substitute “determines”.

**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”.

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

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

**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.”.

### **Coast Protection Act 1949**

**18.** In section 24 of the Coast Protection Act 1949<sup>(6)</sup> (provisions as to arbitrations)—

(a) in subsection (1) for “Lands Tribunal” substitute “appropriate tribunal”; and

(b) for subsection (4) substitute—

“(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.”.

### **National Parks and Access to the Countryside Act 1949**

**19.** In section 107 of the National Parks and Access to the Countryside Act 1949<sup>(7)</sup> (supplementary provisions as to compensation under sections 20, 46, and 70)—

<sup>(6)</sup> 1949 c.74.

<sup>(7)</sup> 1949 c.97.

- (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”.

#### **Landlord and Tenant Act 1954**

**20.** In section 37(5) and (5D)(c) of the Landlord and Tenant Act 1954<sup>(8)</sup> (compensation where order for new tenancy precluded on certain grounds) for “Lands Tribunal” substitute “Upper Tribunal”.

#### **Underground Works (London) Act 1956**

- 21.** The Underground Works (London) Act 1956<sup>(9)</sup> is amended as follows.
- 22.** In section 3(1)(b) (roads and streets) for “Lands Tribunal” substitute “Upper Tribunal”.
- 23.** In section 4(4) (drains and water-pipes) for “Lands Tribunal” substitute “Upper Tribunal”.

#### **Land Powers (Defence) Act 1958**

- 24.** The Land Powers (Defence) Act 1958<sup>(10)</sup> is amended as follows.
- 25.** In section 10(5) (prevention of obstruction of airfields) for “Lands Tribunal” substitute “appropriate tribunal”.
- 26.** In section 18(5) (compensation in respect of wayleave orders and restrictions under section 16) for “Lands Tribunal” substitute “appropriate tribunal”.
- 27.** Omit section 22 (abolition and transfer of jurisdiction of General Claims Tribunal).
- 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;
    - (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).
- 29.** In paragraph 3 of Schedule 4 (supplementary provisions as to exercise of certain powers) for “Lands Tribunal” substitute “appropriate tribunal”.

#### **Public Records Act 1958**

- 30.** In paragraph 4(1) of Schedule 1 to the Public Records Act 1958<sup>(11)</sup> (definition of public records)—
  - (a) after paragraph (j) insert—

“(ja) records of the Upper Tribunal;”;

<sup>(8)</sup> 1954 c.56. Section 37(5D) was inserted by section 149 of and Schedule 7 to the [Local Government and Housing Act 1989](#) (c.42).

<sup>(9)</sup> 1956 c.59.

<sup>(10)</sup> 1958 c.30.

<sup>(11)</sup> 1958 c.51.

- (b) in paragraph (k) omit “the Lands Tribunal or of”.

### **Opencast Coal Act 1958**

**31.** The Opencast Coal Act 1958<sup>(12)</sup> is amended as follows.

**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”.

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

**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”.

### **Rights of Light Act 1959**

**35.** In section 2 of the Rights of Light Act 1959<sup>(13)</sup> (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”.

### **Land Compensation Act 1961**

**36.** The Land Compensation Act 1961<sup>(14)</sup> is amended as follows.

**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”.

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

**39.** In section 4 (costs)—

- (a) before subsection (1) insert—
  - “(A1) In any proceedings on a question referred to the Upper Tribunal under section 1 of this Act—
  - (a) the following subsections apply in addition to section 29 of the Tribunals, Courts and Enforcement Act 2007<sup>(15)</sup> (costs or expenses) and provisions in Tribunal Procedure Rules relating to costs; and
  - (b) to the extent that the following subsections conflict with that section or those provisions, that section or those provisions do not apply.”;
- (b) in subsections (1), (3), (4), and (5) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”; and
- (c) omit subsection (6).

<sup>(12)</sup> 1958 c.69.

<sup>(13)</sup> 1959 c.56.

<sup>(14)</sup> 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 \(c.5\)](#).

<sup>(15)</sup> 2007 c.15.

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

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

42. In section 17(2) (certification of appropriate alternative development) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

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

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

### **Public Health Act 1961**

45. In section 45(6) of the Public Health Act 1961(16) (attachment of street lamps to buildings) for “Lands Tribunal” substitute “Upper Tribunal”.

### **London County Council (General Powers) Act 1962**

46. In section 24(2)(b) of the London County Council (General Powers) Act 1962(17) (as to payments by borough councils, etc.) for “Lands Tribunal” substitute “Upper Tribunal”.

### **Pipe-lines Act 1962**

47. The Pipe-lines Act 1962(18) is amended as follows.

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”.

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

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”.

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”.

### **London County Council (General Powers) Act 1963**

52. In section 9(8) of the London County Council (General Powers) Act 1963(19) (underpinning of houses near a street improvement) for “Lands Tribunal” substitute “Upper Tribunal”.

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(16) 1961 c.64.

(17) 1962 c.xlv.

(18) 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).

(19) 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).

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### **Gas Act 1965**

**53.** The Gas Act 1965(20) is amended as follows.

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

**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”.

**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).

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

### **City of London (Various Powers) Act 1965**

**58.** In section 6(9) of the City of London (Various Powers) Act 1965(21) (underpinning of houses near a street improvement) for “Lands Tribunal” substitute “Upper Tribunal”.

### **Compulsory Purchase Act 1965**

**59.** The Compulsory Purchase Act 1965(22) is amended as follows.

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

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

**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”.

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

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

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

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(20) 1965 c.36.

(21) 1965 c.xxxix.

(22) 1965 c.56. Section 5(2A) to (2E) was inserted by section 67 of the [Planning and Compensation Act 1991](#) (c.34).



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

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

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

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

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

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”.

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”.

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”.

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”.

### **Forestry Act 1967**

75. The Forestry Act 1967(23) is amended as follows.

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

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

### **Agriculture Act 1967**

78.—(1) Section 49 of the Agriculture Act 1967(24) (control of sale of certain land) is amended as follows.

(2) In subsection (8)—

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(23) 1967 c.10.

(24) 1967 c.22.

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- (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).

#### **City of London (Various Powers) Act 1967**

- 79.** The City of London (Various Powers) Act 1967(25) is amended as follows.
- 80.** In section 16(7) and (8) (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.
- 81.** In section 17(3) (acquisition of land, or rights in land, for city walkways) for “Lands Tribunal” substitute “Upper Tribunal”.

#### **Leasehold Reform Act 1967**

- 82.** The Leasehold Reform Act 1967(26) is amended as follows.
- 83.** In section 20(4)(b) and (4A) (jurisdiction and special powers of County Court) for “Lands Tribunal” in each place substitute “Upper Tribunal”.
- 84.** In section 21 (jurisdiction of Lands Tribunal) in the heading for “Lands Tribunal” substitute “leasehold valuation tribunals”.
- 85.** In section 31(2)(a) (ecclesiastical property) for “Lands Tribunal” substitute “Upper Tribunal”.
- 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”.

#### **Port of London Act 1968**

- 87.** The Port of London Act 1968(27) is amended as follows.
- 88.** In section 75(6)(b) (lands above mean high water level) for “Lands Tribunal” substitute “Upper Tribunal”.

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(25) 1967 c.xlii.

(26) 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 \(c.15\)](#).

(27) 1968 c.xxxii.

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

### **Transport Act 1968**

**90.** In section 115(1)(b) of the Transport Act 1968(**28**) (interpretation of Part 7) for “Lands Tribunal”, in the first place it occurs, substitute “Upper”.

### **Greater London Council (General Powers) Act 1969**

**91.** The Greater London Council (General Powers) Act 1969(**29**) is amended as follows.

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

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

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

### **Taxes Management Act 1970**

**95.** The Taxes Management Act 1970(**30**) is amended as follows.

**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”.

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

### **Courts Act 1971**

**98.** In Part 1A of Schedule 2 to the Courts Act 1971(**31**) (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.

### **Thames Barrier and Flood Prevention Act 1972**

**99.** In section 3(1) of the Thames Barrier and Flood Prevention Act 1972(**32**) (interpretation), in the definition of “the tribunal” for “Lands Tribunal” substitute “Upper Tribunal”.

### **Criminal Justice Act 1972**

**100.** In section 60(5) of the Criminal Justice Act 1972(**33**) (power of entry in connection with acquisition of land for prisons)—

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(28) 1968 c.73.

(29) 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.

(30) 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 \(c.41\)](#).

(31) 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 \(c.41\)](#).

(32) 1972 c.xlv.

(33) 1972 c.71.

*Status: This is the original version (as it was originally made).*

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

### **Land Compensation Act 1973**

**101.** The Land Compensation Act 1973<sup>(34)</sup> is amended as follows.

**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”.

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

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

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

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

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

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

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

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

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

**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”.

### **Reservoirs Act 1975**

**113.** In section 18(2) of the Reservoirs Act 1975<sup>(35)</sup> (compensation to third parties for damage or disturbance) for “Lands Tribunal or” substitute “Upper Tribunal or”.

### **House of Commons Disqualification Act 1975**

**114.** In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975<sup>(36)</sup> (bodies of which all members are disqualified) omit the first entry for the Lands Tribunal.

<sup>(34)</sup> 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.

<sup>(35)</sup> 1975 c.23.

<sup>(36)</sup> 1975 c.24.

### **Northern Ireland Assembly Disqualification Act 1975**

**115.** In Part 2 of Schedule 1 of the Northern Ireland Assembly Disqualification Act 1975(37) (bodies of which all members are disqualified) omit the first entry for the Lands Tribunal.

### **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(38) (costs or expenses recoverable) omit “the Lands Tribunal or”.

### **Welsh Development Agency Act 1975**

**117.** In paragraph 15(4) of Part 4 of Schedule 4 to the Welsh Development Agency Act 1975(39) (rights of entry)—

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

### **Local Government (Miscellaneous Provisions) Act 1976**

**118.** The Local Government (Miscellaneous Provisions) Act 1976(40) is amended as follows.

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

**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”.

**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”.

### **Rentcharges Act 1977**

**122.** The Rentcharges Act 1977(41) is amended as follows.

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

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

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(37) 1975 c.25.

(38) 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).

(39) 1975 c.70. Schedule 4 was inserted by section 127 of and paragraph 3 of Schedule 13 to the [Government of Wales Act 1998 \(c.38\)](#).

(40) 1976 c.57.

(41) 1977 c.30.

*Status: This is the original version (as it was originally made).*

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

### **Ancient Monuments and Archaeological Areas Act 1979**

**126.** The Ancient Monuments and Archaeological Areas Act 1979<sup>(42)</sup> is amended as follows.

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

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

**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”.

### **Local Government, Planning and Land Act 1980**

**130.** The Local Government, Planning and Land Act 1980<sup>(43)</sup> is amended as follows.

**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)”.

**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”.

### **Highways Act 1980**

**133.** The Highways Act 1980<sup>(44)</sup> is amended as follows.

**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”.

**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”.

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

<sup>(42)</sup> 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).

<sup>(43)</sup> 1980 c.65.

<sup>(44)</sup> 1980 c.66.

**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”.

**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”.

### **Judicial Pensions Act 1981**

**139.** The Judicial Pensions Act 1981<sup>(45)</sup> is amended as follows.

**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).

**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”.

### **New Towns Act 1981**

**142.** The New Towns Act 1981<sup>(46)</sup> is amended as follows.

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

**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”.

### **Compulsory Purchase (Vesting Declarations) Act 1981**

**145.** The Compulsory Purchase (Vesting Declarations) Act 1981<sup>(47)</sup> is amended as follows.

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

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<sup>(45)</sup> 1981 c.20. Section 10(1) was amended by section 118(2) of the [Courts and Legal Services Act 1990 \(c.41\)](#).

<sup>(46)</sup> 1981 c.64.

<sup>(47)</sup> 1981 c.66.

*Status: This is the original version (as it was originally made).*

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

**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”.

### **Acquisition of Land Act 1981**

**149.** The Acquisition of Land Act 1981(**48**) is amended as follows.

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

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

### **Civil Aviation Act 1982**

**152.** The Civil Aviation Act 1982(**49**) is amended as follows.

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

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

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

**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—

(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;” and

(b) omit subsection (5).

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

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

### **Aviation Security Act 1982**

**159.** Schedule 1 to the Aviation Security Act 1982(**50**) (provisions relating to compensation) is amended as follows—

(a) in paragraph 7 for “Lands Tribunal” substitute “Upper Tribunal”; and

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(48) 1981 c.67.

(49) 1982 c.16.

(50) 1982 c.36.



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

### **Mental Health Act 1983**

**160.** The Mental Health Act 1983<sup>(51)</sup> is amended as follows.

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

**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.”.

### **National Heritage Act 1983**

**163.** In section 36(10) of the National Heritage Act 1983<sup>(52)</sup> (records: power of entry)—

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

### **Telecommunications Act 1984**

**164.** In paragraph 4 of Schedule 2 to the Telecommunications Act 1984<sup>(53)</sup> (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

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<sup>(51)</sup> 1983 c.20.

<sup>(52)</sup> 1983 c.47.

<sup>(53)</sup> 1984 c.12.

*Status: This is the original version (as it was originally made).*

- (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,”.

#### **Road Traffic Regulation Act 1984**

**165.** In paragraph 22(4) of Part 4 of Schedule 4 to the Road Traffic Regulation Act 1984<sup>(54)</sup> (control of off-street parking)—

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

#### **Cycle Tracks Act 1984**

**166.** In section 5(3) of the Cycle Tracks Act 1984<sup>(55)</sup> (compensation) for “Lands Tribunal” substitute “Upper Tribunal”.

#### **Inheritance Tax Act 1984**

**167.** In section 222 of the Inheritance Tax Act 1984<sup>(56)</sup> (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”.

#### **Mineral Workings Act 1985**

**168.** The Mineral Workings Act 1985<sup>(57)</sup> is amended as follows.

**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”.

**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”.

#### **Housing Act 1985**

**171.** The Housing Act 1985<sup>(58)</sup> is amended as follows.

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<sup>(54)</sup> 1984 c.27.

<sup>(55)</sup> 1984 c.xlv.

<sup>(56)</sup> 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).

<sup>(57)</sup> 1985 c.12.

<sup>(58)</sup> 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.

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

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

**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”.

- 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)”.

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

### **Landlord and Tenant Act 1985**

**177.** In section 20C(1) and (2)(c) of the Landlord and Tenant Act 1985(**59**) (limitation of service charges: costs of proceedings) for “Lands Tribunal” substitute “Upper Tribunal”.

### **Greater London Council (General Powers) Act 1986**

**178.** In section 4(11) of the Greater London Council (General Powers) Act 1986(**60**) (incorporation of certain banks, walls, etc. into flood defences) for “Lands Tribunal” substitute “Upper Tribunal”.

### **Gas Act 1986**

- 179.** In Schedule 3 to the Gas Act 1986(**61**) (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”;
    - (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”.

### **Landlord and Tenant Act 1987**

**180.** The Landlord and Tenant Act 1987(**62**) is amended as follows.

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

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(59) 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 \(c.52\)](#).

(60) 1986 c.iv.

(61) 1986 c.44.

(62) 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 \(c.52\)](#).

*Status: This is the original version (as it was originally made).*

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

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

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

### **Channel Tunnel Act 1987**

**185.** The Channel Tunnel Act 1987(**63**) is amended as follows.

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

**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”.

### **Local Government Finance Act 1988**

**188.** In Schedule 11 to the Local Government Finance Act 1988(**64**) (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”.

### **Housing Act 1988**

**189.** In paragraph 22 of Part 3 of Schedule 10 to the Housing Act 1988(**65**) (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”.

### **Electricity Act 1989**

**190.** The Electricity Act 1989(**66**) is amended as follows.

**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”.

**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

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(63) 1987 c.53.

(64) 1988 c.41.

(65) 1988 c.50.

(66) 1989 c.29.

- (b) in paragraph 12 in the definition of “the Tribunal” for “Lands Tribunal in” substitute “Upper Tribunal in”.

### **Town and Country Planning Act 1990**

**193.** The Town and Country Planning Act 1990(67) is amended as follows.

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

**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”.

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

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

**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).

**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”.

**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”.

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

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

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

**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”.

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

**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”.

**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”.

**208.** In section 223 (repayment of expense of removing prohibited advertisements)—

- (a) in subsection (2) for “Lands Tribunal” substitute “Upper Tribunal”; and

*Status: This is the original version (as it was originally made).*

(b) in subsection (3) for “sections 2 and” substitute “section”.

**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”.

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

**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”.

### **Planning (Listing Buildings and Conservation Areas) Act 1990**

**212.** In section 31 of the Planning (Listing Buildings and Conservation Areas) Act 1990(**68**) (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”.

### **Aviation and Maritime Security Act 1990**

**213.** In Schedule 2 to the Aviation and Maritime Security Act 1990(**69**) (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”.

### **Courts and Legal Services Act 1990**

**214.** In Schedule 11 to the Courts and Legal Services Act 1990(**70**) (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.

### **Planning and Compensation Act 1991**

**215.** In Part 2 of Schedule 18 to the Planning and Compensation Act 1991(**71**) (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).”.

### **Coal Mining Subsidence Act 1991**

**216.** The Coal Mining Subsidence Act 1991(**72**) is amended as follows.

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(68) 1990 c.9.

(69) 1990 c.31.

(70) 1990 c.41.

(71) 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).

(72) 1991 c.45.

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

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

**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;”.

### **Water Industry Act 1991**

**220.** The Water Industry Act 1991(73) is amended as follows.

**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”.

**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”.

**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”.

**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”.

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

### **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(74).

(2) In paragraph 4 of Schedule 4 to the Child Support Act 1991(75) (Child Support Commissioners for Northern Ireland)—

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

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(73) 1991 c.56.

(74) 2009 c. 3.

(75) 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).

*Status: This is the original version (as it was originally made).*

- (b) in sub-paragraph (2)(b) for “First Minister and deputy First Minister think” substitute “Lord Chancellor thinks”.

### **Water Resources Act 1991**

**227.** The Water Resources Act 1991(**76**) is amended as follows.

**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”.

**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”.

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

**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”.

**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”.

**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”.

**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”.

**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”.

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

### **Land Drainage Act 1991**

**237.** The Land Drainage Act 1991(**77**) is amended as follows.

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(76) 1991 c.57.

(77) 1991 c.59.



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

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

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

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

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

### **Transport and Works Act 1992**

**243.** In section 53(6) of the Transport and Works Act 1992(**78**) (rights to enter land) for “Lands Tribunal”, in the first place it occurs, substitute “Upper Tribunal”.

### **Tribunals and Inquiries Act 1992**

**244.** The Tribunals and Inquiries Act 1992(**79**) is amended as follows.

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

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

### **Judicial Pensions and Retirement Act 1993**

**247.** The Judicial Pensions and Retirement Act 1993(**80**) is amended as follows.

**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,”.

**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,”.

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

### **Cardiff Bay Barrage Act 1993**

**251.** The Cardiff Bay Barrage Act 1993(**81**) is amended as follows.

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

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

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(78) 1992 c.42.

(79) 1992 c.53.

(80) 1993 c.8.

(81) 1993 c.42.

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

### **Coal Industry Act 1994**

**255.** The Coal Industry Act 1994<sup>(82)</sup> is amended as follows.

**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”;
- (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”.

**257.** In section 59(2)(e) (information to be kept confidential by the Authority) for “Lands Tribunal or” substitute “Upper Tribunal or”.

**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”.

**259.** In paragraph 6(5) and (6) of Part 1 of Schedule 7 (retained interests in copyhold land) for “Lands Tribunal” substitute “Upper Tribunal”.

### **British Waterways Act 1995**

**260.** In section 2(1) of the British Waterways Act 1995<sup>(83)</sup> (interpretation)—

- (a) in the definition of “the specified provisions” for “sections 2(2) to (5) and” substitute “section”; and
- (b) in the definition of “the tribunal” for “Lands Tribunal or” substitute “Upper Tribunal or”.

### **Housing Act 1996**

**261.** In Schedule 5 of the Housing Act 1996<sup>(84)</sup> (text of Part 2 of the Landlord and Tenant Act 1987, as amended) in section 24A(6) and (7) for “Lands Tribunal”, in each place, substitute “Upper Tribunal”.

<sup>(82)</sup> 1994 c.21. Schedule 1B was inserted by section 85(2) of and Schedule 6 to the [Water Act 2003 \(c.37\)](#).

<sup>(83)</sup> 1995 c.i.

<sup>(84)</sup> 1996 c.52.

### **Channel Tunnel Rail Link Act 1996**

**262.**—(1) Part 3 of Schedule 4 to the Channel Tunnel Rail Link Act 1996<sup>(85)</sup> (acquisition of land within limits shown on deposited plans) is amended as follows.

(2) In paragraph 9(3), in the provisions substituted for section 8(1) of the Compulsory Purchase Act 1965—

- (a) in subsection (1)—
  - (i) in paragraph (b) for “Lands Tribunal” substitute “Upper Tribunal”; and
  - (ii) in paragraph (c)—
    - (aa) for “Lands Tribunal have” substitute “Upper Tribunal has”; and
    - (bb) for “them” substitute “the Upper Tribunal”;
- (b) in subsection (1B)(b) for “Lands Tribunal direct” substitute “Upper Tribunal directs”;
- (c) in subsection (1C) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (d) in subsection (1D)—
  - (i) for “Lands Tribunal determine” substitute “Upper Tribunal determines”; and
  - (ii) for “them” substitute “the Upper Tribunal”.

(3) In paragraph 9(10), in the provision substituted for section 58 of the Land Compensation Act 1973, for “Lands Tribunal” substitute “Upper Tribunal”.

(4) In paragraph 11—

- (a) in sub-paragraph (5) for “Lands Tribunal” substitute “Upper Tribunal”; and
- (b) in sub-paragraphs (6) to (11) for “Lands Tribunal determine” substitute “Upper Tribunal determines”.

(5) In paragraph 12(1) and (2) for “Lands Tribunal” substitute “Upper Tribunal”.

### **Government of Wales Act 1998**

**263.** In paragraph 15(4) of Schedule 13 to the Government of Wales Act 1998<sup>(86)</sup> (Welsh Development Agency: Land Provisions)—

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

### **Regional Development Agencies Act 1998**

**264.** In paragraph 4 of Part 2 of Schedule 5 to the Regional Development Agencies Act 1998<sup>(87)</sup> (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”.

### **Postal Services Act 2000**

**265.** The Postal Services Act 2000<sup>(88)</sup> is amended as follows.

**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

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<sup>(85)</sup> 1996 c.61.

<sup>(86)</sup> 1998 c.38.

<sup>(87)</sup> 1998 c.45.

<sup>(88)</sup> 2000 c.26.

*Status: This is the original version (as it was originally made).*

(b) in subsection (1B) for “Lands Tribunal make” substitute “Upper Tribunal makes”.

**267.** In paragraph 5(2) of Schedule 6 (further provisions relating to land)—

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

#### **Fur Farming (Prohibition) Act 2000**

**268.** In section 5(6) of the Fur Farming (Prohibition) Act 2000<sup>(89)</sup> (compensation for existing businesses) for “Lands Tribunal” substitute “Upper Tribunal”.

#### **Commonhold and Leasehold Reform Act 2002**

**269.** In section 175 of the Commonhold and Leasehold Reform Act 2002<sup>(90)</sup> (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).

#### **Finance Act 2003**

**270.** In paragraph 45 of Part 7 of Schedule 10 to the Finance Act 2003<sup>(91)</sup> (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”.

#### **Housing Act 2004**

**271.** The Housing Act 2004<sup>(92)</sup> is amended as follows.

**272.** In section 42(4)(b)(i) and (ii) (recovery of expenses of taking emergency remedial action) for “Lands Tribunal” substitute “Upper Tribunal”.

**273.** In section 50(7)(a) (recovery of charge under section 49) for “Lands Tribunal” substitute “Upper Tribunal”.

**274.** In section 143(4)(a) and (b) (appeals against overcrowding notices) for “Lands Tribunal” substitute “Upper Tribunal”.

**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”.

**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—

<sup>(89)</sup> 2000 c.33.

<sup>(90)</sup> 2002 c.15.

<sup>(91)</sup> 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).

<sup>(92)</sup> 2004 c.34.

“(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).

**277.** In section 255(7)(a) and (b) (HMO declarations) for “Lands Tribunal” substitute “Upper Tribunal”.

**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”.

**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”.

**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”.

**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”.

**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”.

**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”.

#### **Constitutional Reform Act 2005**

**284.** The Constitutional Reform Act 2005(**93**) is amended as follows.

**285.** In Schedule 7 (protected functions of the Lord Chancellor) omit the entry relating to the Lands Tribunal Act 1949.

**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.

#### **London Olympic Games and Paralympic Games Act 2006**

**287.** In section 4 of the London Olympic Games and Paralympic Games Act 2006(**94**) (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”.

#### **Criminal Justice and Immigration Act 2008**

**288.** In section 135 of the Criminal Justice and Immigration Act 2008(**95**) (support: supplemental)—

(a) omit subsection (3); and

(b) in subsection (4) omit “other”.

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(93) 2005 c.4.

(94) 2006 c.12.

(95) 2008 c.4.

**Housing and Regeneration Act 2008**

**289.** In paragraph 11 of Part 1 of Schedule 2 to the Housing and Regeneration Act 2008<sup>(96)</sup> (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”.

**Crossrail Act 2008**

**290.**—(1) Part 3 of Schedule 6 to the Crossrail Act 2008<sup>(97)</sup> (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
  - (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”.

**Planning Act 2008**

**291.** The Planning Act 2008<sup>(98)</sup> is amended as follows.

**292.** In section 53(8) (rights of entry) for “Lands Tribunal” substitute “Upper Tribunal”.

**293.** In section 152(4) (compensation in case where no right to claim in nuisance) for “Lands Tribunal” substitute “Upper Tribunal”.

**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”.

**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”.

**296.** In section 219 (compensation) —

- (a) in subsection (6) for “Lands Tribunal” substitute “Upper Tribunal”; and

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<sup>(96)</sup> 2008 c.17.

<sup>(97)</sup> 2008 c.18.

<sup>(98)</sup> 2008 c.29.

(b) in subsection (7) for “sections 2 and” substitute “section”.

**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,”.

**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”.